

310 CMR 30.000: HAZARDOUS WASTE

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General Provisions

30.001: Authority

310 CMR 30.000 is promulgated by the Commissioner of the Department pursuant to the authority granted by M.G.L. c. 21C, §§ 4 and 6, M.G.L. c. 21E, § 6, and by St. 1987, c. 587 § 47.

30.002: Purpose

310 CMR 30.000 is intended to protect public health, safety, and welfare, and the environment, by comprehensively regulating the generation, storage, collection, transport, treatment, disposal, use, reuse, and recycling of hazardous waste in Massachusetts. These regulations should be read together with M.G.L. c. 21C, M.G.L. c. 21E § 6 and by St. 1987, c. 584, § 47, each of which has many important substantive requirements not repeated in 310 CMR 30.000.

30.003: Rules of Construction

- (1) 310 CMR 30.000 shall be construed to effectuate the purposes of M.G.L. c. 21C and the federal Resource Conservation and Recovery Act.
- (2) As used in 310 CMR 30.000, words in the singular also include the plural.
- (3) Words in the masculine gender also include the feminine and neuter genders.
- (4) No provision of 310 CMR 30.000 shall be construed to limit the Department's authority to take or arrange for, or to require any person to perform, any response action authorized by M.G.L. c. 21C or M.G.L. c. 21E which the Department deems necessary to protect health, safety, public welfare or the environment.
- (5) The provisions of 310 CMR 30.000 are severable, and if any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or applications thereof which can be given effect without the invalid provision or application.
- (6) Federal statutes and regulations which are cited within 310 CMR 30.000 but which are not specifically adopted by reference shall be used as guidance in interpreting the state regulations in which they appear.
- (7) No provision of 310 CMR 30.000 shall be construed to relieve any person of the necessity of complying with all other applicable federal, state or local laws.

30.004: Effective Date

310 CMR 30.000 shall be effective and have the force of law upon publication in the Massachusetts Register. Every other state title shall be effective and have the force of law in

accordance with the provisions of each. If a state title fails to state a date from when it is to be effective, it shall become effective upon publication in the Massachusetts Register.

30.005: Computation of Time

Unless otherwise specifically provided by law, 310 CMR 30.000, or any determination issued pursuant to 310 CMR 30.000, any time period prescribed or referred to in 310 CMR 30.000 or in any determination issued pursuant to 310 CMR 30.000 shall begin with the first day following the act which initiates the running of the time period, and shall include every calendar day, including the last day of the time period so computed. If the last day is a Saturday, Sunday, legal holiday, or any other day in which the offices of the Department are closed, the deadline shall run until the end of the next business day. If the time period prescribed or referred to is less than seven (7) days, only days when the offices of the Department are open shall be included in the computation.

30.006: Accurate and Timely Submittals to the Department

(1) No person shall make any false, inaccurate, or misleading statement in any application, record, report, plan, or statement which that person submits, or is required to submit, to the Department pursuant to M.G.L. c. 21C, 310 CMR 30.000, or any order issued by the Department.

(2) Any application, record, report, plan, or statement which any person is required to submit to the Department shall be submitted within the time period presented in M.G.L. c. 21C, 310 CMR 30.000, or any order issued by the Department, unless otherwise specified by the Department.

30.007: Accurate and Complete Record Keeping; Automatic Extension

(1) No person shall make any false or misleading statement in any record, report, plan, file, log, or register which that person keeps, or is required to keep, pursuant to M.G.L. c. 21C, or 310 CMR 30.000. Any record, report, plan, file, log, or register which any person is required to keep shall be filled out completely and otherwise kept in compliance with M.G.L. c. 21C, 310 CMR 30.000, or any order issued by the Department.

(2) The periods prescribed in 310 CMR 30.000, including 310 CMR 30.331, for keeping records shall be extended automatically for the duration of any unresolved enforcement action regarding the activity in question or as ordered by the Department.

30.008: Accurate Monitoring

No person shall falsify, tamper with, or render inaccurate any monitoring device or method which any person maintains, or which is required to be maintained pursuant to M.G.L. c. 21C or 310 CMR 30.000. Any monitoring which any person is required to perform shall be promptly, fully and accurately performed and shall otherwise be in compliance with M.G.L. c. 21C, 310 CMR 30.000, or any order issued by the Department.

30.009: Certification

(1) Any person signing a document pursuant to 310 CMR 30.062, 30.142, 30.800, or when providing any other information ordered or requested by the Department pursuant to 310

CMR 30.000, shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

(2) This certification need not appear on a manifest, but every person signing a manifest shall comply with 310 CMR 30.006 and 30.007.

30.010: Definitions

As used throughout 310 CMR 30.000, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

Aboveground tank means a device meeting the definition of a tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected. Where a double-walled tank is used, the entire surface area of the outer wall must be completely above the surrounding surface and be able to be visually inspected.

Accidental occurrence means an accident including, but not limited to, continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended by the insured. Every accidental occurrence shall be deemed either sudden or non-sudden.

Accumulation means the short term containment of hazardous waste on the premises of the person who generated such waste in a manner which does not constitute disposal, provided that if such containment is not as provided for in 310 CMR 30.340 or 30.351, such containment is "storage" and not "accumulation" of hazardous waste.

Active life of a facility means the period from the initial receipt of hazardous waste at the facility until the Department receives certification of final closure.

Active portion means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after November 19, 1980 and which is not a closed or inactive portion. (See also "closed portion" and "inactive portion".)

Actual public underground drinking water source means a groundwater source of drinking water used by a Public Water System as defined in 310 CMR 22.02 (the Department's Drinking Water Regulations).

Acutely hazardous regulated recyclable material means a recyclable material that, if discarded, would be a waste listed in 310 CMR 30.136 or a waste with EPA Hazardous Waste No. F020, F021, F022, F023, F026, or F027 listed in 310 CMR 30.131.

Acutely hazardous waste means a waste listed in 310 CMR 30.136 or a waste with EPA Hazardous Waste No. F020, F021, F022, F023, F026, or F027 listed in 310 CMR 30.131.

Administrator means the Administrator of the U.S. Environmental Protection Agency or his designee.

Ancillary equipment means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between

hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

Annual rate limiting constituent means the compound, element, or waste fraction in a hazardous waste which sets the maximum amount of hazardous waste which can be loaded onto soil per year.

Aquifer means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Authorized representative means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility. For purposes of complying with 310 CMR 30.800, the definition of an authorized individual at 310 CMR 30.822(8) shall control.

Battery means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact unbroken battery from which the electrolyte has been removed.

Boiler means an enclosed device that uses controlled flame combustion and meets all the following requirements:

- (a) the device must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and
- (b) the device's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and
- (c) while in operation the device must maintain a thermal efficiency of at least 60%, calculated in terms of the recovered energy compared with the thermal value of the fuel; and
- (d) the device must export and utilize at least 75% of the recovered energy calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.)

Bulk scrap metal item means a large item composed of worn out metal or a metal product that has outlived its original use, such as automobile hulks, railroad cars, steel beams from torn down buildings or bridges, and household appliances. (See also "Scrap metal".)

By-product means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

Cathode Ray Tube (CRT) means an intact glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes. Monochrome (i.e., black and white) CRTs are not regulated as hazardous waste.

[For purposes of this definition, "intact" means a CRT (and not an electronic product as a whole) having no component destroyed or removed; this requirement does not prohibit the disassembly of an electronic product. Therefore, a crushed or ground-up CRT does not satisfy this definition. However, incidental numbers of CRTs broken unintentionally during routine handling and transportation, are considered "intact".]

Certification means a statement by a person which is true to the best of that person's knowledge and belief.

Class A or Class SA segment of a surface water body means a segment of an inland or coastal surface water body so assigned said class pursuant to 314 CMR 4.00.

Closed portion means that portion of a facility which an owner or operator has closed in compliance with the approved facility closure plan and all applicable closure requirements. (See also "active portion".)

Closure (See "final closure" and "partial closure".)

Closure plan means the plan for closure prepared pursuant to 310 CMR 30.580 through 30.586.

Collect means gather at a place or places away from the premises of a licensee, e.g., a transporter collecting hazardous waste from several sources.

Commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.133 or 30.136 means a chemical substance which is manufactured or formulated for commercial or manufacturing use and which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not mean a waste, such as a manufacturing process waste, that contains any of the substances listed in 310 CMR 30.133 or 30.136. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in 310 CMR 30.133 or 30.136, such waste will be listed in either 310 CMR 30.131 or 30.132 or will be identified as a hazardous waste by the characteristics set forth in 310 CMR 30.120 through 30.125.

Commissioner means the Commissioner of the Department of Environmental Protection or his designee.

Completely enclosed recycling system means a unit that is primarily for the recycling of a regulated recyclable material and that is totally enclosed and is managed so that the regulated recyclable material is accumulated in tanks or containers in compliance with 310 CMR 30.205(19). (See 310 CMR 30.010, "Treatment which is an integral part of the manufacturing process" for a description of a totally enclosed unit.)

Component means any constituent part of a unit or group of constituent parts of a unit which are assembled to perform a specific function (e.g. a pump seal, pump, kiln liner, kiln thermocouple.)

Compressed gas means any material or mixture having in the container an absolute pressure exceeding 40 pounds per square inch at 70°F. or, regardless of the pressure at 70°F., having an absolute pressure exceeding 104 pounds per square inch at 130°F.

Construction, with respect to any project of construction under M.G.L. c. 21C, means

- (a) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures, and
- (b) the acquisition and installation of initial equipment for, or required in connection with, new or newly acquired structures of the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project; and includes preliminary planning to determine the economic and engineering feasibility and health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project, and
- (c) the inspection and supervision of the process of carrying out the project to completion.

Container means any portable device in which a hazardous waste is stored, transported, treated, disposed of, or otherwise handled.

Contingency plan means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten public health, safety, or welfare, or the environment.

Corrosion expert means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be certified by the National Association of Corrosion Engineers (NACE) or be a Massachusetts registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

Current closure cost estimate means the most recent cost estimate prepared pursuant to 310 CMR 30.903.

Current post-closure cost estimate means the most recent cost estimate prepared pursuant to 310 CMR 30.905.

Demonstration means the initial exhibition of a new technology, process or practice or a significantly new combination or use of technologies, processes or practices, subsequent to the development stage, for the purpose of proving technological feasibility and cost effectiveness.

Department means the Massachusetts Department of Environmental Protection.

Designated facility means a person or facility described in 310 CMR 30.305 that has been designated on the manifest by the generator pursuant to 310 CMR 30.310 (manifesting requirements).

Destination facility means a facility that is authorized to receive and recycle, treat or dispose of a particular category of universal waste, except those management activities described in 310 CMR 30.1034(1), (3), (4) and (5) as well as 30.1044(1), (3), (4) and (5). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste. If located in Massachusetts, these facilities shall be properly licensed in compliance with 310 CMR 30.800, or be properly permitted in compliance with 310 CMR 30.290.

Dike means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

Discharge or hazardous waste discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land, surface water, ground water, or into the atmosphere.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Disposal facility (See "facility").

Drinking water supplies means ground or surface water currently in use or which may reasonably be expected to be used in the future as sources of public or private drinking water supply.

DOT means the United States Department of Transportation.

Empty container. See 310 CMR 30.106.

Environmental Monitor means the publication of that name issued by the MEPA Unit of the Massachusetts Executive Office of Environmental Affairs pursuant to 301 CMR 11.19.

EPA means the United States Environmental Protection Agency.

EPA hazardous waste number means the number assigned by EPA to each listed hazardous waste or to each hazardous waste characteristic in 40 CFR Part 261. (See also Massachusetts hazardous waste number.)

EPA identification number means the number assigned by the Department to each generator, transporter, user, and treatment, storage, or disposal facility. (See also Massachusetts identification number.)

Equivalent method means any testing or analytical method approved, in writing, by the Administrator based upon the standards and procedures prescribed by 40 CFR 260.20 and 260.21. The Department will consider any method so approved to be an acceptable method under the circumstances for which it was approved even if the method does not yet appear within "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at 310 CMR 30.012.

Existing hazardous waste management (HWM) facility or existing facility means a facility which was in operation, or for which construction commenced, on or before November 19, 1980. A facility has commenced construction if:

- (a) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and
- (b) either
 1. A continuous on-site, physical construction program has begun; or
 2. The owner or operator has entered into contractual obligations-which cannot be cancelled or modified without substantial loss-for physical construction of the facility to be completed within a reasonable time.

Existing hazardous waste incinerator (See "existing unit").

Existing installation means a manufacturing plant or other industrial establishment which was in existence on October 15, 1983, or for which construction had commenced on or before October 15, 1983.

Existing pile (See "existing unit").

Existing portion means the existing unit's land surface area which was specifically included in the original Part A permit application and on or in which hazardous waste(s) was placed prior to the issuance of a license pursuant to 310 CMR 30.000.

Existing surface impoundment or existing impoundment (See "existing unit").

Existing tank system or existing component means a tank system or component that:

- (a) is used for the storage or treatment of hazardous waste and that is in operation, or for which installation commenced on or prior to:
 - 1. July 14, 1986 for those tank systems which are owned or operated by a Small Quantity Generator, are new underground tanks, or are tanks which cannot be entered for inspection (i.e., tanks which are subject to the requirements of the federal Hazardous and Solid Waste Amendments); or
 - 2. December 1, 1988 for all other types of tank systems (e.g., tank systems which are not owned or operated by a Small Quantity Generator and are either existing underground tanks or tanks that can be entered for inspection).
- (b) Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either
 - 1. a continuous on-site physical construction or installation program has begun, or
 - 2. the owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

Existing unit means a storage, treatment or disposal unit (e.g., existing surface impoundment, tank, pile, incinerator) which was specifically included in the original Part A permit application and in which hazardous waste(s) was placed prior to the issuance of a license pursuant to 310 CMR 30.000, or a unit which is otherwise lawfully in use at the time the license application is submitted to the Department.

Existing well means a well that is in existence and being used to supply a person with drinking water on the date that an owner or operator of a proposed facility submits:

- (a) a license application to the Department pursuant to 310 CMR 30.000; or
- (b) a notice of intent pursuant to 990 CMR 4.00, whichever is submitted first.

Expanding facility or expansion means an increase in the design capacity or a process used at a facility to treat, store or dispose of hazardous waste beyond that design capacity specified in the facility's original Part A permit application.

Facility means a site or works for the storage, treatment, dewatering, refining, incineration, reclamation, stabilization, solidification, disposal, or other processes where a hazardous waste can be stored, treated, disposed of, or used; however, not including a municipal or industrial wastewater treatment facility if permitted under M.G.L. c. 21, §43. Without limiting the generality of the foregoing, a facility may consist of several treatment, storage, or disposal operating units, and shall include all land, structures, and other appurtenances and improvements which are directly related to the storage, treatment, use or disposal operations.

Facility having interim status pursuant to RCRA or Interim status facility means a facility which satisfies the qualifications of 310 CMR 30.099(1).

Facility mailing list means the mailing list for a facility maintained by the Department in accordance with 310 CMR 30.833(4)(a)8.

Federal, State and local approvals or permits necessary to begin physical construction means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

Final closure means the act or process of deactivating all hazardous waste management units at a facility in compliance with all applicable closure requirements so that hazardous waste management activities are no longer conducted at the facility except as provided in 310 CMR 30.200 or 30.300.

Food-chain crop means tobacco, any crop grown for human consumption, and any crop grown for feed for animals whose products are consumed by humans.

Fossil fuel means coal, coke, distillate oil, residual oil, used oil fuel, or natural or manufactured gas.

Fossil fuel utilization facility means any furnace(s), fuel burning equipment, boiler(s), space heater(s), or any appurtenance thereto used for the burning of fossil fuels, for the emission of products of combustion, or in connection with any process which generates heat and may emit products of combustion, but does not mean a motor vehicle.

Free liquid means any liquid which readily separates from the solid portion of a waste under ambient temperature and pressure.

Freeboard means the vertical distance between the top of an open tank or surface impoundment dike, and the surface of the waste contained therein.

Fuel means any solid, liquid, or gaseous material used for the production of heat or power by burning.

Functionally equivalent component means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in 310 CMR 30.100, or whose act first causes a hazardous waste to become subject to regulation.

Ground water means water below the land surface in a zone of saturation.

Hazardous waste means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. See 310 CMR 30.104 for possible exemptions. See also 310 CMR 30.010, "Mixed waste."

Hazardous waste constituent or constituent means an element or compound that caused the Department to list the waste as a hazardous waste in 310 CMR 30.131 through 30.136 (See 310 CMR 30.160, which lists these constituents) or a contaminant listed in 310 CMR 30.125.

Hazardous waste fuel means a regulated recyclable material, other than a used oil fuel, that:

- (a) is burned for energy recovery in an industrial or utility boiler or in an industrial furnace; and
- (b) is:
 - 1. presumed to be hazardous waste fuel (See 310 CMR 30.215); or
 - 2. a mixture of any hazardous waste or any material presumed to be hazardous waste fuel when combined with any other material; and
- (c) is managed in compliance with 310 CMR 30.200.

Hazardous waste incinerator means any incinerator used for the reduction of hazardous waste, or in which any hazardous waste feed is caused, suffered, allowed, or permitted to be burned, except infectious waste regulated by the Department of Public Health pursuant to M.G.L. c. 111 §§ 3 and 51 through 56.

Hazardous waste management unit means a contiguous area of land on or in which is placed hazardous waste or tanks or containers of hazardous waste, or the largest area in which there is a significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a hazardous waste management unit. A container or tank plus the land or pad upon which the container or tank is placed does constitute a hazardous waste management unit.

Hazardous waste number (See "EPA hazardous waste number" and "Massachusetts hazardous waste number").

Identification number (See "EPA identification number").

Inactive portion means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion.")

Incineration means controlled combustion in an enclosed device, the primary purpose of which is to thermally break down hazardous waste.

Incinerator means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

Incompatible waste means a hazardous waste which is unsuitable for:

- (a) placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
- (b) commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases. (See 310 CMR 30.561 for examples.)

Individual generation site means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

Industrial Boiler means a boiler that is:

- (a) located on the site of a facility engaged in a manufacturing process in which substances are transformed into new products, including the component parts of products, by mechanical or chemical processes, or
- (b) used in conjunction with a greenhouse.

Industrial furnace means any of the following enclosed devices that are integral components of a manufacturing process and that use controlled flame devices to accomplish recovery of materials or energy:

- (a) cement kilns.
- (b) lime kilns.
- (c) aggregate kilns.
- (d) phosphate kilns.
- (e) coke ovens.
- (f) blast furnaces.
- (g) smelting, melting, or refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machine, roasters, and foundry furnaces).
- (h) titanium dioxide chloride process oxidation reactors.
- (i) methane reforming furnaces.
- (j) pulping liquor recovery furnaces.
- (k) combustion devices used in the recovery of sulphur values from spent sulphuric acid.

Inject means to emplace fluid into a formation by gravity or greater pressure through a well.

Injection well means a well into which fluids are injected. (See also "underground injection".)

Inner liner means a continuous layer of material placed inside a tank or container which protects the structural materials of the tank or container from the contained waste or reagents used to treat the waste.

Interim status (See "Facility having interim status pursuant to RCRA or Interim status facility").

Interim Zone II means the area within one half mile radius of a public water supply wellhead. The term is used when a hydrogeologically defined Zone II has not been established (see definition of Zone II).

International shipment means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Key staff individual means an individual who is directly responsible for the operation of a hazardous waste activity, or who supervises or oversees one or more individuals responsible for the operation of a hazardous waste activity.

Land disposal means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

Land subject to flooding means land area which is within the estimated maximum lateral extent of floodwater which will theoretically result from the statistical 100-year frequency storm or, as the case may be, from the statistical 500-year frequency storm.

Land treatment facility means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface so as to render such waste less hazardous or non-hazardous by degradation, transformation, or immobilization processes occurring in or on the soil. Such facilities are disposal facilities if waste will remain after closure. The hazardous waste management unit in which the above described activities occur is also referred to as a land treatment unit.

Land treatment unit. (See "Land treatment facility.")

Landfill means a hazardous waste disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an injection well, a salt dome formation, a salt bed formation, an underground mine or a cave.

Landfill cell means a discrete volume of a hazardous waste landfill for which a liner is used to provide isolation of hazardous waste from adjacent cell(s) or waste(s). Examples of landfill cells are trenches and pits.

Large Quantity Generator of Class A Regulated Recyclable Material (See “Small Quantity Generator or Large Quantity Generator of Class A Regulated Recyclable Material”).

Large Quantity Handler of Universal Waste means a universal waste handler who accumulates 5,000 kilograms or more total of universal waste at any time. This designation as a large quantity handler of universal waste is retained until such time as a change of status request is received by the Department in compliance with 310 CMR 30.1043, and through the end of the calendar year in which the change of status request was received.

Leachate means any liquid, including any suspended components in a liquid, that has percolated through or drained from hazardous waste.

Leak detection system means a system capable of detecting the failure of either the primary or secondary containment structure or detecting the presence of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must consist of an interstitial monitoring device designed to detect continuously and automatically, and to signify with a visual or audible alarm, the failure of the primary or secondary containment structure or the presence of hazardous waste into the secondary containment structure.

Legal defense costs means expenses that an insurer incurs in defending against claims of any person, other than the insured or the insurer, brought pursuant to an insurance policy.

License means the written approval, on a form prescribed by the Department, issued pursuant to M.G.L. c. 21C, to collect, transport, treat, store, use, or dispose of hazardous waste.

Licensee or hazardous waste licensee means a person licensed, pursuant to M.G.L. c. 21C, to undertake the collection, transportation, storage, treatment, use, or disposal of hazardous wastes.

Liner means a continuous layer of natural or man-made material(s) which is beneath or on the sides of a surface impoundment, waste pile, landfill, or landfill cell, and which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

Loading rate means the mass or volume of waste applied to a unit area of land per unit time.

Manifest means the Department-approved form used as a shipping document to identify the quantity, composition, and the origin, routing, and destination of hazardous waste from the site of generation to the point of disposal, treatment, storage, or use.

Manifest document number means the unique five digit document number assigned to the Manifest by the generator for recording and reporting purposes.

Massachusetts hazardous waste number means the number assigned by the Department to each hazardous waste which is listed by the Department and which does not have an EPA hazardous waste number.

Massachusetts identification number means the number assigned by the Department to each Very Small Quantity Generator, as described in 310 CMR 30.353, or Small Quantity Generator of waste having only Massachusetts hazardous waste numbers, as described in 310 CMR 30.351.

Media means soils, groundwater and sediments but not debris or other wastes such as sludges.

Mercury-containing device means any electrical product or component (excluding batteries, lamps and thermostats) which contains elemental mercury that is necessary for its operation and is housed within an outer metal, glass or plastic casing. Mercury-containing devices include but are not limited to thermocouples, thermometers, manometers, barometers, sphygmomanometers, electrical switches and relays, as well as certain gas flow regulators and water meters.

Mercury-containing lamp means any bulb or tube portion of an electric lighting device specifically designed to produce radiant energy, including but not limited to incandescent, fluorescent, high intensity discharge, and neon lamps in which mercury is purposefully introduced by the manufacturer for the operation of the lamp.

Mining overburden returned to the mine site means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

Miscellaneous unit means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not one of the following: a container, tank, surface impoundment, waste pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, unit excluded from licensing requirements pursuant to 310 CMR 30.801, or a research facility.

Mixed waste means, any waste that contains both hazardous waste and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 43 U.S.C. § 2011 et seq. For purposes of this definition, radioactive waste oil shall not be considered a mixed waste, and shall be exempt from all provisions of 310 CMR 30.000. Mixed wastes that are exempted by the Nuclear Regulatory Commission (NRC) Beneath Regulatory Concern shall be regulated as hazardous wastes subject to all applicable provisions of 310 CMR 30.000.

Municipal or industrial wastewater treatment facility permitted under M.G.L. c. 21, §43 means:

- (a) a publicly owned treatment works having a permit issued pursuant to 314 CMR 2.00 and 3.00 or 5.00; or
- (b) a wastewater treatment unit permitted pursuant to 314 CMR 2.00 and 3.00 or 5.00 which treats, or treats and accumulates incidental to such treatment, influent wastewater which is a hazardous waste; or
- (c) a surface impoundment permitted under 314 CMR 2.00 and 3.00 or 5.00 which:
 - 1. treats an influent wastewater which is a hazardous waste; or
 - 2. treats and accumulates incidental to such treatment, a wastewater treatment sludge which is a hazardous waste.

If a treatment works receives hazardous waste from one or more off-site sources, all treatment, storage and disposal units, and all accumulation at the site of the treatment works, are regulated under M.G.L. c. 21C and are not part of a "municipal or industrial wastewater treatment facility permitted under M.G.L. c. 21, § 43". However, the discharge is still subject to regulation under M.G.L. c. 21, § 43.

New facility means any facility which is not an existing facility.

New hazardous waste incinerator (See "New unit").

New installation means a manufacturing plant or other industrial establishment which was not in existence on October 15, 1983 or for which construction had not begun on or before October 15, 1983.

New pile (See "New unit").

New surface impoundment or new impoundment (See "New unit").

New tank (See "New unit").

New tank system or new tank component means a tank system or component that is used for the storage or treatment of hazardous waste and for which installation commenced after:

- (a) July 14, 1986 for those tank systems which are owned or operated by a Small Quantity Generator, are new underground tanks, or are tanks which cannot be entered for inspection (i.e., tanks which are subject to the requirements of the federal Hazardous and Solid Waste Amendments); or
 - (b) December 1, 1988 for all other types of tank systems (e.g., tank systems which are not owned or operated by a Small Quantity Generator and are either existing underground tanks or tanks that can be entered for inspection).
- (See also "existing tank system" regarding when installation will be considered to have commenced.)

New unit means a treatment, storage or disposal unit (e.g., new impoundment, tank, pile, incinerator) which is not an existing unit.

Noisome or unwholesome odor means an objectionable odor detectable off the site of a facility.

Nonsudden accidental occurrence means an accidental occurrence which takes place over time and which involves continuous or repeated exposure to conditions.

Oil means petroleum in any form including crude oil, fuel oil, petroleum derived synthetic oil and refined oil products other than petrochemicals. It does not mean animal or vegetable oils.

Open burning means the combustion of any material without the following characteristics:

- (a) Control of combustion air to maintain adequate temperature for efficient combustion,
 - (b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
 - (c) Control of emission of the gaseous combustion products.
- Open burning includes above or underground smoldering fires.
(See also "thermal treatment".)

Operator means the person responsible for the over-all operation of a facility.

Owner means any person who has legal ownership of a facility or any part of a facility, or who has effective control over an activity subject to regulation under 310 CMR 30.000.

Partial closure means the act or process of deactivating one or more hazardous waste management units at a facility in compliance with applicable closure requirements, while one or more other hazardous waste management units at the facility remain, or are intended to remain, active or in operation.

PCBs or polychlorinated biphenyls means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance.

Person means any agency or political subdivision of the federal government or Commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.

Personnel or facility personnel means all persons who work at or for, or oversee the operations of, a hazardous waste facility or a hazardous waste transporter, and whose actions or failure to act may result in non-compliance with the requirements of M.G.L. c. 21C or 310 CMR 30.000.

Pesticide means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; provided that the term "Pesticide" shall not include any article that is a "new animal drug" within the meaning of section 201(w) of the Federal Food, Drug and Cosmetic Act, or that has been determined by the Secretary of the United States Department of Health, Education and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such act.

Pile means any non-containerized aggregation of solid, nonflowing hazardous waste that is being treated or stored.

Planned public underground drinking water source means groundwater within land which has been acquired for drinking water purposes by a city, town, district, or other body politic which supplies drinking water to the public, regardless of the sustained yield of the groundwater source, provided that the land is acquired for that purpose before the date that the owner or operator of a proposed facility submits:

- (a) a license application to the Department pursuant to 310 CMR 30.000; or
- (b) a notice of intent pursuant to 990 CMR 4.00, whichever is submitted first.

Point-source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Polyhalogenated aromatic hydrocarbons means hazardous waste listed in 310 CMR 30.131 and having any of the following Hazardous Waste Numbers: F020, F021, F022, F023, F026, or F027.

Post-closure means the period after the time closure has been completed and approved by the Department.

Post-closure plan means the plan for post-closure care prepared pursuant to 310 CMR 30.590.

Potential private underground drinking water source means a groundwater source capable of sustaining a yield of between two and 100 gallons per minute of drinking water and which has less than 10,000 mg./liter total dissolved solids. This definition does not include groundwater beneath an area which is served by a public water system on the date that the owner or operator of a proposed facility submits:

- (a) a license application to the Department pursuant to 310 CMR 30.000; or
- (b) A notice of intent pursuant to 990 CMR 4.00, whichever is submitted first.

Potential public underground drinking water source means a groundwater source capable of sustaining a yield of 100 gallons or more per minute of drinking water and which has less than 10,000 mg./liter total dissolved solids. This definition does not include an aquifer which has been exempted from being an underground source of drinking water pursuant to 310 CMR 27.00: *Underground Water Source Protection*.

Precious metals means gold, silver, platinum, palladium, irridium, osmium, rhodium, or ruthenium, or any combination of these.

Private underground drinking water source (See "potential private underground drinking water source" and existing well").

Public underground drinking water source (See "actual public underground drinking water source", "planned underground drinking water source", and "potential public underground drinking water source").

Public water system means a system for the provision to the public of piped water for human consumption as defined in 310 CMR 22.02.

Publicly owned treatment works or POTW means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA means the federal Solid Waste Disposal Act as revised by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§. 6901 *et seq.*

Recyclable material means any material other than an inherently waste-like material that is used, reused or reclaimed.

- (a) Used or reused material means any material that is either:
 - 1. employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - 2. employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).
- (b) Reclaimed material means any material that is processed to recover a usable product or that is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

Refuse means all solid or liquid waste materials, including garbage and rubbish.

Regional Administrator means the Regional Administrator for the EPA Region in which the facility is located, or his designee.

Regulated recyclable material means any recyclable material which:

- (a) has a characteristic described in 310 CMR 30.120 through 30.125, or
- (b) is listed or otherwise described in 310 CMR 30.131 through 30.136, or
- (c) has been determined by the Department to be a hazardous waste pursuant to 310 CMR 30.144.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, but excludes:

- (a) emissions from the exhaust of an engine;
- (b) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in 42 U.S.C. § 2014, if such a release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42 U.S.C. § 2210;
- (c) the normal application of fertilizer;
- (d) the application of pesticides in a manner consistent with their labeling; and
- (e) the application of residuals in accordance with 310 CMR 32.00.

Representative sample means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

Research facility means a site or works at which research studies are conducted or where hazardous waste is otherwise subjected to an innovative and experimental treatment, recycling, or disposal technology or other process for which permit or license standards have not been promulgated under 310 CMR 30.000. Without limiting the generality of the foregoing, such facility may consist of several operating units, and shall include all land, structures, and other appurtenances and improvements which are directly related to continuous research, development, and demonstration activity. This definition does not include, and research facility is not, a site or works licensed or otherwise authorized pursuant to 310 CMR 30.099, 30.104(3)(b), 30.104(3)(c), 30.200, 30.801, 30.862 or 30.863 or any provision of 310 CMR 30.000 other than 310 CMR 30.864.

Research study means the continuous research, development and demonstration activity conducted by a research facility, in which a hazardous waste is subjected to an innovative and experimental treatment, recycling or disposal technology or other process for which permit or license standards have not been promulgated under 310 CMR 30.000, and for the primary purpose of determining:

- (a) whether the waste is amenable to such process;
- (b) what pretreatment, if any, is required;
- (c) the optimal process conditions needed to achieve the desired treatment, recycling, disposal or other process result;
- (d) the efficiency of such process for a specific waste or wastes;
- (e) the characteristics and volumes of residuals from a particular process; and/or
- (f) cost effectiveness.

For the purpose of implementing 310 CMR 30.864, this definition also includes liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. This definition does not include, and "research study" is not, an activity conducted pursuant to 310 CMR 30.099, 30.104(3)(b), 30.104(3)(c), 30.200, 30.801, 30.862, or 30.863, or a means to store, treat or dispose of hazardous waste or to employ the technology otherwise at the research facility site other than for the purpose of conducting research studies.

Response Action means any action such as assessment, containment, removal, disposal, treatment or storage undertaken as part of a corrective action performed pursuant to M.G.L. c. 21E and 310 CMR 40.0000, Federal Superfund (CERCLA), RCRA Corrective Action or an analogous cleanup authority within another state.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Run-on means any rainwater, leachate, or other liquid that drains over land to any part of a facility.

Saturated zone or Zone of saturation means that part of the earth's crust in which all voids are filled with water.

Scrap Metal means metal particles, which would be hazardous waste if tested without additional particle size reduction, including, but not limited to finely shredded metal trimmings. Scrap metal does not include the following: metal containing process residues generated from smelting, refining, and other operations (e.g., drosses, slags and sludges), liquid wastes containing metals (e.g., spent acids, spent caustics, or other liquid wastes with metals in solution), liquid metal wastes (e.g., liquid mercury), metal containing wastes with a significant liquid component, such as spent batteries, metal powders and intact used electronic components. (See also “Bulk scrap metal item”.)

Shipping Paper means an invoice, bill of lading, or other shipping document serving a similar purpose; other than a hazardous waste manifest used to document the conveyance of materials between different locations.

Single application limiting constituent means the compound, element or waste fraction in a hazardous waste which sets the maximum amount of hazardous waste which can be loaded onto soil per application.

Site or on-site means the same or geographically contiguous property in single ownership which may be divided by a public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which that person controls, and to which the public does not have access, are considered on-site property.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Small Quantity Generator or Large Quantity Generator of Class A Regulated Recyclable Material means a person who generates 100 kilograms or more of RRM in a calendar month and/or any amount of acutely hazardous RRM, and/or accumulates 1000 kilogram or more of RRM at any one time.

Small Quantity Handler of Universal Waste means a universal waste handler who accumulates less than 5,000 kilograms total of universal waste at any time.

Soil capacity limiting constituent means the compound, element or waste fraction in a hazardous waste which sets the total amount of hazardous waste which can be loaded onto soil.

Space Heater means a heating device that is used for direct heating of the area in, and adjacent to, the area in which the device is located.

Speculative accumulation means:

- (a) accumulation or storage of material before that material is recycled, or
- (b) accumulation or storage of material in the hope or expectation, but without there being a written record indicating a commitment that the material will be recycled. Speculative accumulation shall be deemed not to be occurring if the person accumulating or storing the material persuades the Department that:
 - 1. the material can feasibly be recycled; and
 - 2. during the calendar year (commencing on January 1), the amount of material that is recycled, and/or that is transferred to a different site for recycling, equals at least 75%, by weight or volume, of the sum of (a) the

amount being accumulated on January 1st of the calendar year, (b) the amount generated onsite during the calendar year, and (c) the amount received from off-site during the calendar year. To determine whether the foregoing percentage requirement has been met with respect to any particular material, the calculations shall include only material of the same type (e.g. slags from a single smelting process) that is combusted as a fuel, used, re-used, or recycled in the same way (i.e. that is utilized in the same way or that is obtained from the same re-use or recycling process). The calculations shall not include hazardous waste that, pursuant to 310 CMR 30.140(1)(f), is not subject to regulation as hazardous waste.

Spent material means any material that has been used and that as a result of contamination, depletion, or other factors (e.g., extreme temperature) can no longer serve the purpose for which it was produced without processing.

Spill means the accidental spilling, leaking, pumping, emitting, discharging, emptying, or dumping of hazardous wastes or materials which become hazardous wastes when spilled into or on any land or water.

Storage means the containment of hazardous waste for a temporary period in a manner which does not constitute disposal, at the end of which period the hazardous waste will be used, treated, disposed of, transported or stored elsewhere.

Sudden accidental occurrence means an accidental occurrence which is not continuous or repeated in nature.

Sump means any pit or reservoir that meets the definition of a tank and those troughs/trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities.

Surface impoundment or impoundment means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an aggregation of liquid hazardous waste or waste containing free liquid, and which is not an injection well. Examples of surface impoundments are: holding, storage, settling, and aeration pits, ponds, and lagoons.

Tank means a stationary device used to store or to contain hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

Tank system means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Thermal treatment means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

Thermostat means a temperature control device that contains metallic mercury in an ampoule attached to a bimetal sensing element.

Threat of release means a substantial likelihood of a release which requires action to prevent or mitigate damage to the environment which may result from such release. Circumstances which represent a threat of release include, but are not limited to, sites or vessels containing or

conducting an amount of hazardous waste in excess of the reportable quantity for that hazardous waste where no release has occurred but where:

- (a) corrosion, damage, malfunction or other conditions are visible, known to exist or should be known to exist; and
- (b) where these conditions are likely to result in a release.

Transfer station means an intermediate point in the transport of hazardous wastes where such wastes are brought, stored and transferred to vehicles for movement to other intermediate points or to the point of ultimate storage, treatment, or disposal.

Transport means the movement, by vessel or carrier, of hazardous wastes from the point of generation to any intermediate point(s) or to the point(s) of ultimate storage, use, treatment, recovery or disposal.

Transportation related area means a parking area or other place where shipments of hazardous waste are held by a transporter during the normal course of transportation. A transportation related area shall not include a hazardous waste transfer station, school or hospital parking lot, or residentially zoned location.

Treatability study means a study in which a hazardous waste is subjected to a treatment process to determine

- (a) whether the waste is amenable to the treatment process,
- (b) what pretreatment, if any, is required,
- (c) the optimal process conditions needed to achieve the desired treatment,
- (d) the efficiency of a treatment process for a specific waste or wastes, or
- (e) the characteristics and volumes of residuals from a particular treatment process. For the purpose of implementing 310 CMR 30.104(3)(b) and 30.104(3)(c) exemptions, this definition also includes liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. This definition shall not include, and a "treatability study" is not, a means to commercially treat or dispose of hazardous waste.

Treatment means any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste less hazardous, non-hazardous, safer to transport, amenable to storage, or reduced in volume, except such method or technique as may be included as an integral part of a manufacturing process at the point of generation.

Treatment which is an integral part of the manufacturing process means any treatment method or technique which is at the site of generation of the waste, is not primarily for the purpose of recycling hazardous waste, and is:

- (a) Directly connected via pipes or the equivalent from an industrial production process [i.e. a process which produces a product, produces an intermediate, produces a by-product, renders a service (e.g. dry-cleaning), or produces a material which is used back in the production process]; and
- (b) Totally enclosed so that it is designed, constructed, and operated to prevent spills, leaks, or emissions of hazardous materials to the environment. A treatment unit may be deemed "totally enclosed" if it is completely contained on all sides (i.e., an open-topped tank or treatment vessel shall not be deemed totally enclosed). If a treatment unit is vented, it may be deemed "totally enclosed" only if such vent(s) is/are designed to prevent overflow and emissions of gases, vapors, or aerosols where such events might occur through normal operation, equipment failure, or process upsets. This shall be accomplished through the use of suitable traps, recycle lines, sorption units, or the equivalent. If the effluent from the treatment unit discharges to surface water, ground water, or a sewer, the treatment unit may be deemed "totally enclosed" only if all discharges are in compliance with all applicable Federal, State, and local laws,

regulations, and permits. If one unit operation in a series of unit operations is not "totally enclosed" or connected by pipe to the unit immediately upstream from that unit, then only unit operations upstream from that unit may be deemed "treatment which is an integral part of the manufacturing process".

Treatment zone means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

Underground drinking water source means any aquifer supplying drinking water for human consumption, an aquifer in which ground water contains less than ten thousand parts per million total dissolved solids, or an aquifer designated as such by the Department or a municipality.

Underground injection means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

Underground tank means a device meeting the definition of a "tank" which is resting on the adjacent surrounding surface or which has any portion of its total height below the adjacent surrounding surface.

United States means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Universal Waste means any of the following hazardous wastes, as further described in 30.1020, that are managed under the universal waste requirements of 30.1000:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing devices; and
- (e) Mercury-containing lamps.

[NOTE: Not all batteries, pesticides and lamps are hazardous waste, and therefore, they do not all qualify as universal wastes; such wastes may instead be managed as non-hazardous solid wastes.]

Universal Waste Handler:

- (a) Means:
 - 1. A generator of universal waste; or
 - 2. The owner or operator of a facility that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.
- (b) Does not mean:
 - 1. A person who treats (except under the provisions of 310 CMR 30.1034(1), (3), (4) or (5), or 30.1044(1), (3), (4) or (5)), disposes of, or recycles universal waste; or
 - 2. A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

Universal waste transfer facility means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste batteries are held during the normal course of transportation for ten days or less.

Universal waste transporter means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

Unsaturated zone or zone of aeration means the zone between the land surface and the water table.

Unused Waste Oil means oil that is superfluous or abandoned fuel, storage tank bottoms, clean-out sludge, sludge from the separation of unused oil from a non-hazardous waste, contaminated oil resulting from the clean-up of a release of oil, and any other waste oil that is not used waste oil.

Uppermost aquifer means the aquifer nearest the natural ground surface and any lower aquifer that is hydraulically interconnected with this aquifer.

Use constituting disposal means the application or placement on the land of a recyclable material either without mixing with any other substance(s), or after mixing or combining with any other substances.

Used oil fuel means a regulated recyclable material

(a) that is recycled by being burned for energy recovery, and

(b) that is:

1. waste oil, or

2. any fuel, other than hazardous waste fuel, produced from waste oil by processing, blending, or other treatment, and

(c) that is managed in compliance with 310 CMR 30.200.

Used oil fuel fired space heater means a space heater that burns used oil fuel for energy recovery.

Used waste oil means used and/or reprocessed, but not subsequently re-refined, oil that has served its original intended purpose. Such oil includes, but is not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, and dielectric fluid.

USPS means the United States Postal Service.

Utility boiler means a boiler that is used to produce electric power, steam, or heated or cooled gases or fluids for sale.

Vehicle identification device means the document which identifies a specific vehicle used to transport hazardous waste, and which is issued by the Department pursuant to M.G.L. c. 21C, § 7.

Very small quantity generator of Class A regulated recyclable material (RRM) means a person who generates less than 100 kilograms of RRM in a calendar month, no acutely hazardous RRM, and accumulates less than 1000 kilograms of RRM at any one time.

Vessel means every type of watercraft used or capable of being used as a means of transportation on the water.

Washout means the movement of hazardous waste from the active portion of a facility as a result of flooding.

Waste

(a) Waste means any discarded material. A waste may be a solid, liquid, semi-solid, or contained gaseous material, or any refuse or sludge, and may result from industrial, commercial, mining, or agricultural operations, or from municipal or other governmental activities, or from the activities of other persons.

(b) Discarded material means any material that is

1. abandoned by being disposed of, burned, or incinerated, or

2. accumulated, stored, or treated before or in lieu of being disposed of, burned, or incinerated, or
 3. inherently waste-like material, or
 4. recycled in a manner that is not in compliance with 310 CMR 30.000.
- (c) Inherently waste-like material means material that is
1. hazardous waste numbered F020, or
 2. hazardous waste numbered F021 (except when used as an ingredient to make a product at the site of generation), or
 3. hazardous waste numbered F022, or
 4. hazardous waste numbered F023, or
 5. hazardous waste numbered F026, or
 6. hazardous waste numbered F028, or
 7. designated as such by the Department using the following criteria:
 - a. the materials are ordinarily disposed of, burned, or incinerated; or
 - b. the materials contain one or more toxic constituents listed in 310 CMR 30.160 that are not ordinarily in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
 - c. the material may pose a substantial hazard to public health, safety, or welfare, or the environment when recycled.

Waste oil means used or unused waste oil (or any mixture thereof) that is not otherwise hazardous pursuant to 310 CMR 30.120 through 30.136, except that used waste oil with a flash point greater than or equal to 100° F and less than 140° F (solely through use) remains subject to regulation as used waste oil.

Waste pile (See "pile").

Wastewater treatment unit means a device which:

- (a) Is part of a wastewater treatment facility which is subject to regulation pursuant to § 307(b) (pretreatment provisions) or § 402 (NPDES program or equivalent state program) of the Federal Clean Waters Act; and
- (b) Either:
 1. treats or recycles an influent wastewater which is a hazardous waste; or
 2. treats or recycles a wastewater treatment sludge which is a hazardous waste; or
 3. is used for the accumulation or storage of a wastewater treatment sludge which is a hazardous waste, prior to the reintroduction of such sludge into the treatment process; and
- (c) meets the definition of a tank or tank system.

This definition does not include a unit used solely for the accumulation or storage of a wastewater treatment sludge prior to disposal on-site or prior to transportation to an off-site facility. Each such unit is subject to the requirements of 310 CMR 30.340: *On-Site Accumulation* or 310 CMR 30.690: *Storage and Treatment in Tanks*, as the case may be.

Water (bulk shipment) or Bulk shipment water means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

Watershed means an area which is drained by or drains into a hydrologic feature such as a brook, creek, swamp, stream, river, spring, lake, pond, great pond, estuary, or ocean.

Well means a bored, drilled, or driven-shaft, or a dug-hole, whose depth is greater than its largest surface dimension.

Well injection (See "underground injection".)

Wetlands means any land or water area subject to M.G.L. c. 131, § 40, and as may be further defined in the regulations promulgated pursuant thereto, 310 CMR 10.00, as may be amended from time to time.

White oil means a petroleum based oil which contains no aromatic hydrocarbons and is transparent, colorless, odorless, and tasteless when cold. Synonyms for white oil include liquid paraffin, liquid petrolatum, USP mineral oil, white mineral oil, and vaseline oil.

Zone 2 means the hydrogeologically defined area of contribution to a public water supply wellhead.

30.011: References to Code of Federal Regulations

(1) References to federal regulations within 310 CMR 30.000 shall refer to those regulations in effect as follows:

- (a) Any reference to Title 40 of the Code of Federal Regulations (40 CFR) refers to those regulations in effect on July 1, 1990, unless otherwise specified.
- (b) Any reference to Title 49 of the Code of Federal Regulations (49 CFR) refers to those regulations in effect on October 1, 2002, unless otherwise specified.

30.012: Publications Incorporated by Reference

(1) When used in 310 CMR 30.000, the following publications are incorporated by reference:

- (a) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (b) "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80. D-93-80 is available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (c) "ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM Standard D 1946-82, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (d) "ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," ASTM Standard D 2382-83, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (e) "ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," ASTM Standard E 169-87, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (f) "ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM Standard E 168-88, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (g) "ASTM Standard Practice for Packed Column Gas Chromatography," ASTM Standard E 260-85, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
- (h) "ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," ASTM Standard D 2267-88, available from

American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(i) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(j) "Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(k) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 [Third Edition (November, 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995) III (December 1996) and IIIA (April 1998)]. The Third Edition of SW-846 and Updates I, II, IIA, IIB and III (document number 955-001-00000-1) are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Update IIIA is available through EPA's Methods Information Communication Exchange (MICE) Service. MICE can be contacted by phone at (703) 821-4690. Update IIIA can also be obtained by contacting the U.S. Environmental Protection Agency, Office of Solid Waste (5307W), OSW Methods Team, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the Third Edition and its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(l) "ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteriscope," ASTM Standard D 2879-86, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(2) The references listed in 310 CMR 30.012(1) are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These incorporations by reference were approved by the Office of the Secretary of the Commonwealth of Massachusetts. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Massachusetts Register.

30.013: Inspections; Entry

Where the Department believes a material or activity is subject to M.G.L. c. 21C, personnel or authorized agents of the department may at all reasonable times enter any premises, for the purpose of investigating, sampling or inspecting any records, condition, equipment, practice or property relating to such activities, and may at any time enter such premises for the purpose of protecting the public health or safety, or to prevent damage to the environment.

30.020: Imminent Threats

(1) If, in making a determination which may be the subject of an adjudicatory hearing under M.G.L. c. 30A, the Department finds that an imminent threat to the public health, welfare, safety, or to the environment could result pending the conclusion of the adjudicatory hearing requested thereon, the Department may, pursuant to M.G.L. c. 21C, § 11, order that the determination become provisionally effective and enforceable immediately upon issuance, and shall remain so notwithstanding and until the conclusion of any adjudicatory hearing procedures.

(2) Any person aggrieved by an imminent threat finding made pursuant to 310 CMR 30.020(1) may, by the close of the next business day after the receipt of the determination, request an adjudicatory hearing for the sole purpose of adjudicating whether the determination should become provisionally effective and enforceable immediately. This adjudicatory hearing shall not be for the purpose of adjudicating the merits of the determination. If a request for hearing is not made within this deadline, the Department's finding shall be deemed assented to. Such request for hearing may be made orally, in writing, or by telephone, and the Department shall proceed to schedule such hearing, as soon as is reasonably possible, for the following purposes:

- (a) To allow the person requesting the hearing to show cause why such order should not take effect immediately;
- (b) To allow the person requesting the hearing to show cause why such alleged violation or violations do not constitute an imminent danger to the public health, safety, or welfare or to the environment.

(3) If the Department finds there is not an imminent threat, or if the Department's finding that there is an imminent threat is rendered unenforceable by order of any court of competent jurisdiction, the remainder of the Department's determination, of which the imminent threat finding was a part, shall remain in full force and effect unless the Department or the court orders otherwise.

30.030: Presumption of Irreparable Harm

Any violation of M.G.L. c. 21C, of 310 CMR 30.000, or of any order, license, or approval issued thereunder, shall be presumed to constitute irreparable harm to the public health, safety, and welfare, and to the environment. Such presumption may be rebutted by the introduction of competent evidence.

30.040: Recording Notice of License and of Past Disposal

(1) No storage, treatment, use, or disposal for which a license is required pursuant to 310 CMR 30.000, and no construction, maintenance, or operation of a facility for which such license is required, shall proceed until the owner of the land affected thereby has recorded notice of the issuance of such license in the appropriate Registry of Deeds or, if the land in question is registered land, in the registry section of the land court for the district wherein the land lies. The landowner shall submit to the Department a certified copy of each notice described in 310 CMR 30.040(1), including the date and book and page numbers of recording of such notice, within thirty (30) days after the landowner receives the recorded notice from the registry.

(2) No land on or in which hazardous waste has been disposed, and no interest in such land, shall be conveyed or leased, and no such land shall be devoted to any use other than as a facility for such disposal, until notice of such disposal is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies.

30.060: Notification Procedures

30.061: Who Must Notify and Obtain an EPA Identification Number

(1) Any person who generates hazardous waste, except a generator who is registered as a Very Small Quantity Generator pursuant to 310 CMR 30.353 or as a Small Quantity Generator of waste having only Massachusetts hazardous waste numbers, and any person who transports hazardous waste, or who owns or operates a facility for the treatment, storage, use,

or disposal of hazardous waste, shall notify the Department of such activity and obtain an EPA Identification number.

(2) Any person who generates hazardous waste, or who owns or operates a facility for the use, treatment, storage, or disposal of hazardous waste, shall promptly notify the Department in writing whenever

(a) the person who submitted the original or most recent notification form is no longer the same person as the person who is the generator of the hazardous waste covered by said notification form, or the person who is the owner or operator of the facility covered by said notification form. If the facility is a facility having interim status pursuant to RCRA, the provisions of 310 CMR 30.099(8) shall apply. If the facility is licensed pursuant to 310 CMR 30.800, the provisions of 310 CMR 30.828 shall apply; or

(b) there is a change in the name or mailing address (the provisions of 310 CMR 30.063(1) shall apply to changes in the address of the site) of, or the contact individual for, the person who submitted the original or most recent notification form.

30.062: Form of the Notification

Except as provided in 310 CMR 30.061(2) notification shall be on a form prescribed by the Department and shall include the following information:

(1) The name and address of the generator, transporter, user, or facility for which notification is being given.

(2) The address of the site for which notification is being given.

(3) The EPA identification number of the generator, transporter, user, or facility if one has been assigned.

(4) The name and telephone number of the individual who should be contacted regarding information contained in the notification.

(5) The name of the legal owner of the generator, transporter, user, or facility.

(6) The type of activity involving hazardous waste or regulated recyclable material for which notification is being given, *i.e.* generation, transportation, treatment, storage, use, or disposal.

(7) For generators of hazardous waste or regulated recyclable material, information showing whether or not the generator is a Very Small Quantity Generator pursuant to 310 CMR 30.353, a Small Quantity Generator pursuant to 310 CMR 30.351, or a Large Quantity Generator subject to 310 CMR 30.340.

(8) The name and EPA or Massachusetts hazardous waste number of each hazardous waste or regulated recyclable material handled by the generator, transporter, user, or facility. Transporters who do not generate, use, store, treat, or dispose of hazardous waste, and persons conducting activities regulated pursuant to 310 CMR 30.393(3), are not required to complete this section of the notification form with respect to such activities.

(9) Certification, in compliance with 310 CMR 30.009.

30.063: Number of Forms

(1) Any person who generates or uses hazardous waste, or owns or operates facilities, at more than one site or at a site or sites different from what was covered in a previously submitted notification form, shall submit a separate notification form for each such site.

(a) Each separate notification form shall cover only one site and shall cover all the hazardous waste activities at that site. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

(b) For each separate notification form, the Department shall assign a separate EPA identification number. Each EPA identification number shall be valid only for the site covered by the notification form.

(2) A person who transports, but does not generate, use, store, treat, or dispose of, hazardous waste may submit only one form which covers all the transportation activities which that person conducts within the Commonwealth of Massachusetts.

30.064: Change of Hazardous Waste Handled

Any person who has provided either to the EPA or to the Department proper notification of hazardous waste activity and has received an EPA identification number may handle additional hazardous wastes, not included in the original notification, only after complying with the following:

(1) A generator shall notify the Department in writing of the additional hazardous waste to be generated; or

(2) An owner or operator of a facility may store, treat, or dispose of a hazardous waste which was not previously identified in the facility's Part A application provided:

(a) the storage, treatment or disposal of the previously unidentified hazardous waste is eligible for interim status authorization and the owner or operator notifies the Department in writing at least 45 days before the treatment, storage or disposal of such hazardous waste commences; or

(b) the owner or operator obtains from the Department, pursuant to 310 CMR 30.800, a license or license modification which authorizes the storage, treatment or disposal of the previously unidentified hazardous waste before the storage, treatment or disposal of such hazardous waste commences.

30.099: Interim Status Facilities

(1) Qualifying for interim status.

(a) Any person who owns or operates an "existing hazardous waste management facility" or a facility in existence on the effective date of statutory or regulatory amendments under M.G.L. c. 21C that render the facility subject to the requirement to have a license pursuant to 310 CMR 30.800 shall have interim status and shall be treated as having been issued a license to the extent the owner or operator has:

1. complied with the requirements of 310 CMR 30.060 pertaining to notification of hazardous waste activity; and

2. complied with the requirements of 310 CMR 30.099(2) governing submission of part A applications.

(b) If the EPA has granted interim status prior to September 15, 1989, then such status shall continue until terminated pursuant to 310 CMR 30.099(12) or a determination or order of the Department.

(c) Failure to qualify for interim status. If the Department has reason to believe upon examination of a part A application that it fails to meet the requirements of 40 CFR § 270.13 as adopted and amended at 310 CMR 30.099(3), it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the Department's belief that the application is deficient. The owner or operator shall have

30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in the part A application. If, after such notification and opportunity for response, the Department determines that the application is deficient it may take appropriate enforcement action.

(d) 310 CMR 30.099 shall not apply to any facility which has been previously denied a RCRA permit or license or if authority to operate the facility under RCRA or M.G.L. c 21C has been previously terminated.

(2) Submittal of Part A applications.

(a) Owners and operators of an existing hazardous waste management facility or of a facility in existence on the effective date of statutory or regulatory amendments under M.G.L. c. 21C that render the facility subject to the requirement to have a license pursuant to 310 CMR 30.800 shall submit part A of their license application no later than:

1. six months after the date of publication of regulations which first require them to comply with the standards set forth in 310 CMR 30.500 through 900, or
2. thirty days after the date they first become subject to the standards set forth in 310 CMR 30.500 through 900, whichever first occurs.

(b) Any person submitting a Part A application shall:

1. provide the Department with the information set forth in 40 CFR 270.13, as adopted and amended at 310 CMR 30.099(3);
2. use the form prescribed by the Department; and
3. complete, sign and submit the application to the Department in compliance with 310 CMR 30.807.

(3) Content of a Part A application. 40 CFR 270.13, as in effect on July 1, 1999, is hereby adopted and incorporated by reference subject to the following additions, modifications, and exceptions:

- (a) In 40 CFR 270.13(a), “permit,” is substituted with “license”;
- (b) In 40 CFR 270.13(j), the phrase “under 40 CFR part 261” is hereby replaced with “in 310 CMR 30.100”; and
- (c) In 40 CFR 270.13(k)(9), the references to “permits” are hereby modified to reference “permits or licenses”.

(4) Operation during interim status.

(a) Unless allowed under 310 CMR 30.099(5), during the interim status period the facility shall not:

1. treat, store, or dispose of hazardous waste not specified in the part A license application;
2. employ processes not specified in part A of the license application; or
3. exceed the design capacities specified in the part A license application.

(b) During interim status, owners or operators shall comply with the interim status standards at 40 CFR part 265 as adopted and amended at 310 CMR 30.099(6).

(5) Changes during interim status.

(a) Except as provided in 310 CMR 30.099(5)(b), the owner or operator of an interim status facility may make the following changes at the facility:

1. Treatment, storage, or disposal of newly listed or identified hazardous wastes not previously identified in part A of the license application (and addition of the units being used to treat, store, or dispose of the hazardous wastes on the effective date of the listing or identification) if the owner or operator submits a revised part A license application prior to such treatment, storage, or disposal;
2. Increases in the design capacity of processes used at the facility if the owner or operator submits a revised part A license application prior to such a change (along with a justification explaining the need for the change) and the Department approves the changes because:

- a. There is a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities, or
 - b. The change is necessary to comply with a Federal, State, or local requirement.
3. Changes in the processes for the treatment, storage, or disposal of hazardous waste or addition of processes if the owner or operator submits a revised part A license application prior to such change (along with a justification explaining the need for the change) and the Department approves the change because:
- a. The change is necessary to prevent a threat to public health, safety, welfare or the environment because of an emergency situation, or
 - b. The change is necessary to comply with a Federal, State, or local requirement.
4. Changes in the ownership or operational control of a facility if the new owner or operator submits a revised part A license application no later than 90 days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator shall comply with the requirements of 310 CMR 30.099(6)(c)(Financial Requirements for interim status facilities), until the new owner or operator has demonstrated to the Department that he is complying with the requirements of that subpart. The new owner or operator must demonstrate compliance with 310 CMR 30.099(6)(c) within six months of the date of the change in ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with subpart H, the Department shall notify the old owner or operator in writing that he no longer needs to comply with subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility.
5. Changes made in accordance with an interim status corrective action order issued by EPA under section 3008(h) or other Federal authority, by an authorized State under comparable State authority, or by a court in a judicial action brought by EPA or by an authorized State. Changes pursuant to 310 CMR 30.099(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.
6. Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised part A license application on or before the date on which the unit becomes subject to the new requirements.
- (b) Except as specifically allowed pursuant to 310 CMR 30.099(5)(b), changes listed pursuant to 310 CMR 30.099(5)(a) may not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:
1. Changes made solely for the purposes of complying with the requirements of 310 CMR 30.694 for tanks and ancillary equipment.
 2. If necessary to comply with Federal, State, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of RCRA section 3004(o).
 3. Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
 4. Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
 5. Changes necessary to comply with an interim status corrective action order issued by EPA under section 3008(h) or other Federal authority, by corrective action undertaken pursuant to M.G.L. c. 21C or M.G.L. c. 21E, or by a court in a judicial proceeding brought by EPA or an authorized State, provided that such changes are

limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

6. Changes to treat or store, in tanks, or containers, hazardous wastes subject to land disposal restrictions imposed by 40 CFR part 268 or RCRA section 3004, provided that such changes are made solely for the purpose of complying with 40 CFR part 268 or RCRA section 3004.

7. Addition of newly regulated units described in 310 CMR 30.099(5)(a)6.

8. Changes necessary to comply with standards under 40 CFR part 63, Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

(6) Until a final license decision takes effect pursuant to 310 CMR 30.838, an interim status facility shall at all times comply with each of the following:

(a) 310 CMR 30.502 through 30.579.

(b) 40 CFR Part 265 Subpart G [Closure and Post-closure], as in effect on July 1, 1999, subject to the following provisions:

1. The Department shall approve, modify, or disapprove a proposed closure plan within a reasonable time after its receipt by the Department. If the Department does not approve the plan, the Department shall provide the owner or operator with a detailed written statement of reasons for the Department's not approving the plan. Not later than thirty (30) days after receiving said statement, the owner or operator shall submit a new or modified closure plan to the Department. Within a reasonable time after receiving said new or modified closure plan, the Department shall approve, modify, or disapprove it. If the Department modifies the plan, this modified plan (i.e. as modified by the Department) shall be the approved closure plan.

2. Such facility's closure plan shall describe how and when each hazardous waste management unit at the facility will be closed during the facility's intended operating life, and how the facility as a whole will be closed at the end of its intended operating life. The plan shall identify how the requirements of 40 CFR Subpart G, as adopted and amended at 310 CMR 30.099(6)(b), shall be complied with. The facility's closure plan need not describe when the facility as a whole will be closed, except that the facility's closure plan shall describe when the facility as a whole will be closed if:

- a. the facility's closure plan has not been approved by the Department, or
- b. the facility's remaining operating life is less than twenty (20) years, and the facility is using a trust fund to demonstrate financial assurance for closure pursuant to 310 CMR 30.904.

3. An owner or operator who does not have an approved closure plan shall submit a closure plan to the Department and an owner or operator who is subject to post-closure requirements and who does not have an approved post-closure plan shall submit a post-closure plan to the Department, as follows:

- a. at least 180 days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment unit, or landfill, or final closure of the facility if it involves such a unit, whichever is earlier; or
- b. at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

4. The date on which the owner or operator "expects to begin . . . closure" shall be no later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous waste.

5. An owner or operator with an approved closure plan shall notify the Department in writing:

- a. at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit; or
- b. at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

6. The Department shall approve, modify, or disapprove a proposed post-closure plan within a reasonable time after its receipt by the Department. If the Department does not approve the plan, the Department shall provide the owner operator with a detailed written statement of reasons for the Department's not approving the plan. Not later than 30 days after receiving said statement, the owner or operator shall submit a new or modified post-closure plan to the Department. Within a reasonable time after receiving said new or modified post-closure plan, the Department shall approve, modify, or disapprove it. If the Department modifies the plan, this modified plan (i.e. as modified by the Department) shall be the approved post-closure plan.
7. For the purposes of groundwater monitoring during closure and post closure, the owner or operator of an interim status facility shall comply with all applicable provisions of 310 CMR 30.099(6)(d).
8. In lieu of 40 CFR 265.111, 265.114, 265.115, and 265.120, the requirements of 310 CMR 30.582 [Closure Performance Standards], 310 CMR 30.585 [Disposal or Decontamination of Equipment], 310 CMR 30.587(2) and (3) [Completion and Certification of Closure], and 310 CMR 30.596(2) and (3) (Completion and Certification of Post-Closure Care shall apply.
- (c) 310 CMR 30.900, provided that
1. a surety bond guaranteeing performance of closure shall not be acceptable for the purpose of complying with 310 CMR 30.904, and
 2. a surety bond guaranteeing performance of post-closure care shall not be acceptable for the purpose of complying with 310 CMR 30.906.
- (d) 40 CFR Part 265, Subpart F (Groundwater Monitoring), as in effect on July 1, 1999, excluding 40 CFR Sections 265.90(c) and 265.90(e) unless written approval for a waiver pursuant to said provisions is granted by the Department. The owner or operator or a stand-by surface impoundment which is designed and operated solely for the containment of hazardous waste in the event of an emergency at the facility (e.g., equipment failure or overflows) may apply to the Department, in writing, for a waiver from all or part of the groundwater monitoring requirements of 40 CFR Part 265, Subpart F. Notwithstanding any provision of 310 CMR 30.099(6) or 310 CMR 30.660: Groundwater Protection, the Department may require the owner or operator of any facility subject to the requirements of 310 CMR 30.099(6) to comply with, and such owner or operator shall comply with, all or part of 310 CMR 30.660: Groundwater Protection if the Department determines that such action is appropriate to protect public health, safety or welfare or the environment;
- (e) 40 CFR Part 265, Subpart I (Use and Management of Containers), as in effect on July 1, 1999, provided that the owner or operator shall also comply with 310 CMR 30.682 (Labeling and Marking of Containers).
- (f) 310 CMR 30.690, provided that the owner or operator shall do the following, in addition to complying with 310 CMR 30.513, whenever a tank system issued to treat chemically or to store a hazardous waste that is substantially different from waste previously stored or treated in that tank system, or whenever a tank system is used to treat chemically a hazardous waste with a substantially different process than any previously used in that tank system:
1. Conduct waste analyses and trial treatment or storage tests (e.g. bench-scale or pilot-plant scale tests); or
 2. Obtain written, documented information on similar waste under similar operating conditions to show that the proposed treatment or storage will meet the requirements of 310 CMR 30.695 [General Operating Requirements].
- (g) 40 CFR Part 265, Subpart K (Surface impoundments), as in effect on July 1, 1999, provided that the owner or operator shall remove all hazardous waste from each impoundment in compliance with 40 CFR § 265.228 unless the Department, in writing, directs otherwise;
- (h) 40 CFR Part 265, Subpart L (Waste Piles), as in effect on July 1, 1999;
- (i) 40 CFR Part 265, Subpart M (Land Treatment), as in effect on July 1, 1999;
- (j) 40 CFR Part 265, Subpart N (Landfills), as in effect on July 1, 1999;
- (k) 40 CFR Part 265, Subpart O (Incinerators), as in effect on July 1, 1999;

- (l) 40 CFR Part 265, Subpart P (Thermal Treatment), as in effect on July 1, 1999; and
 - (m) 40 CFR Part 265, Subpart Q (Chemical, Physical and Biological Treatment), as in effect on July 1, 1999;
 - (n) 40 CFR Part 265, Subpart AA (Air Emission Standards for Process Vents), as in effect on July 1, 1999;
 - (o) 40 CFR Part 265, Subpart BB (Air Emission Standards for Equipment Leaks), as in effect on July 1, 1999; and
 - (p) All provisions of 310 CMR 30.000 regulating mixed waste as hazardous waste.
- (7) A facility having interim status pursuant to RCRA at which there is stored waste oil (MA01) generated at that facility shall be considered by the Department to have interim status for such storage of waste oil, and the owner or operator shall at all times comply with 310 CMR 30.510 through 30.579 and 30.900 and all applicable requirements set forth in 40 CFR Part 265.
- (8) Ownership or operational control of a facility having interim status pursuant to RCRA shall not be transferred from one person to another until at least 90 days after a revised Part A permit application is submitted to the EPA and the Department. If the facility is licensed pursuant to 310 CMR 30.800, the provisions of 310 CMR 30.828 shall apply.
- (9) The owner or operator of a facility having interim status pursuant to RCRA shall notify the Department by certified mail of the commencement of a voluntary or involuntary proceeding pursuant to Title 11 (Bankruptcy) of the United States Code in which the owner or operator is named as a debtor within ten days after commencement of the proceeding.
- (10) An owner or operator of a facility having interim status pursuant to RCRA is prohibited from placing any hazardous waste, or any container or tank holding hazardous waste, in any salt dome, salt bed formation, underground mine, or cave.
- (11) The owner or operator of a facility having interim status pursuant to RCRA is prohibited from storing, treating, disposing of, or otherwise managing any hazardous waste containing any polyhalogenated aromatic hydrocarbons.
- (12) Notwithstanding any provision of 310 CMR 30.099(6) or any other provision of 310 CMR 30.000, a facility having interim status pursuant to RCRA shall cease to be a facility having interim status pursuant to RCRA in accordance with the following provisions:
- (a) A land disposal facility which, on or any time before September 15, 1989, was a facility having interim status pursuant to RCRA shall not be a facility having interim status pursuant to RCRA on and after September 15, 1989 unless, by no later than November 8, 1985, the owner or operator of such facility had submitted to the Department:
 - 1. a hazardous waste facility license application for the facility, and
 - 2. certification that, as of the date of the certification, the facility was in compliance with all applicable groundwater monitoring and financial responsibility requirements in effect on the date of the certification.
 - (b) A hazardous waste incinerator which, on or any time before November 8, 1989, was a facility having interim status pursuant to RCRA shall not be a facility having interim status pursuant to RCRA on and after November 8, 1989 unless, by no later than November 8, 1986, the owner or operator of such facility had submitted to the Department a hazardous waste facility license application for the facility.
 - (c) A facility other than a landfill or a hazardous waste incinerator which on or any time before November 8, 1992, was a facility having interim status pursuant to RCRA shall not be a facility having interim status pursuant to RCRA on and after November 8, 1992 unless, by no later than November 8, 1988, the owner or operator of such facility had submitted to the Department a hazardous waste facility license application for the facility.

(d) The Department may require an owner or operator of an existing hazardous waste management facility or of a facility in existence on the effective date of statutory or regulatory amendments under M.G.L. c. 21C that render the facility subject to the requirement to have a license to submit part B of their license application. Any owner or operator shall be allowed at least six months from the date of request to submit part B of the application. Any owner or operator of an existing hazardous waste management facility or of a facility in existence on the effective date of statutory or regulatory amendments under M.G.L. c. 21C that render the facility subject to the requirement to have a license may voluntarily submit part B of the application at any time. Notwithstanding the above, any owner or operator of such a hazardous waste management facility shall submit either a part B license application in compliance with 310 CMR 30.800 or a closure plan in compliance with 40 CFR 265, Subpart G as adopted and amended at 310 CMR 30.099(6)(b), prior to the date on which interim status terminates pursuant to 310 CMR 30.099(12)(a) through (c).

(e) Failure to furnish a requested part B application on time, or to furnish in full the information required by the part B application, is grounds for termination of interim status pursuant to 310 CMR 30.850.

30.100: IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

30.101: Purpose and Scope

310 CMR 30.101 through 30.199, cited collectively as 310 CMR 30.100, identify or otherwise describe those wastes which are subject to 310 CMR 30.000, establish provisions for classifying waste as non-hazardous, and prescribe testing methods and procedures.

30.102: Methods of Identification of Hazardous Wastes

(1) The Department uses two methods to identify or otherwise describe which wastes are regulated as hazardous wastes. Based upon the general criteria specified in 310 CMR 30.110 through 30.112, these methods are:

- (a) Identification of the characteristics of hazardous waste; and/or
- (b) Listing of specific types or sources of hazardous waste and of acutely hazardous waste.

(2) Accordingly, unless exempt pursuant to 310 CMR 30.104, a waste is a hazardous waste subject to 310 CMR 30.000 if:

- (a) The waste is listed in 310 CMR 30.130 through 30.136.
- (b) The waste, including a mixture of non-hazardous waste and one or more hazardous wastes, exhibits any of the characteristics of hazardous waste identified in 310 CMR 30.120 through 30.125.
- (c) The waste is a mixture of non-hazardous waste and one or more hazardous wastes listed in 310 CMR 30.130 through 30.136. However, the following mixtures are not hazardous wastes:
 - 1. A mixture of non-hazardous waste and one or more hazardous wastes listed in 310 CMR 30.130 through 30.136 solely because the waste(s) exhibit(s) one or more characteristics of hazardous waste identified in 310 CMR 30.122 (ignitable), 30.123 (corrosive), or 30.124 (reactive) is not a hazardous waste when the resultant mixture no longer exhibits any such characteristic of hazardous waste. Any mixing process to render a waste non-hazardous is treatment of hazardous waste subject to the applicable requirements of 310 CMR 30.500 through 30.900.
 - 2. A mixture of non-hazardous waste and one or more hazardous wastes listed in 310 CMR 30.130 through 30.136 which neither meets the description of a waste listed in 310 CMR 30.130 through 30.136 nor exhibits a characteristic identified in 310 CMR 30.120 through 30.125, provided the generator can persuade the Department that the mixture consists of:

a. wastewater, the discharge of which is regulated under either § 402 or § 307(b) of the Clean Water Act or M.G.L. c. 21 § 43 (including wastewater at facilities which have eliminated the discharge of wastewater); and
b. one of the wastestreams identified in and managed in compliance with 40 CFR 261.3(a)(2)(iv)(A) – (E), as in effect on July 1, 1999, and which is incorporated by reference herein with the following additions, modifications and exceptions:

(i) References to “§ 261.31” in 40 CFR 261.3(a)(2)(iv)(A) and (B) are hereby replaced with “310 CMR 30.131”.

(ii) The reference to “§ 261.32” in 40 CFR 261.3(a)(2)(iv)(C) is hereby replaced with “310 CMR 30.132”.

(iii) The reference to “§ 261.33” in 40 CFR 261.3(a)(2)(iv)(D) is hereby replaced with “310 CMR 30.133 or 30.136”.

(iv) 40 CFR 261.2(a)(2)(iv)(D) is hereby modified to exclude the following phrase: “and rinse[sic] from empty containers or from containers that are rendered empty by that rinsing;” and to insert an “and” before “discharges from safety showers...”.

(v) The reference to “Subpart D of this part” is hereby replaced with “310 CMR 30.130 through 30.133”.

(d) The waste is generated from the treatment, storage, disposal, or use of a hazardous waste, including any sludge, spill residue, ash emission control dust, and leachate.

30.103: Hazardous Waste Numbers

(1) A hazardous waste which is identified by one or more characteristics in 310 CMR 30.120 through 30.125 is assigned every EPA Hazardous Waste Number that is applicable as established pursuant to 310 CMR 30.120 through 30.125. Each applicable Hazardous Waste Number shall be used in complying with the notification requirements of 310 CMR 30.060 through 30.064 and all applicable recordkeeping and reporting requirements prescribed in 310 CMR 30.300 through 30.900.

(2) Each hazardous waste listed in 310 CMR 30.130 through 30.136 is assigned a Hazardous Waste Number which precedes the name of the waste. This number is either an EPA Hazardous Waste Number or a Massachusetts Hazardous Waste Number. This number, in addition to any Hazardous Waste Numbers applicable to the waste pursuant to 310 CMR 30.103(1), shall be used in complying with the notification requirements of 310 CMR 30.060 through 30.064 and all applicable recordkeeping and reporting requirements prescribed by 310 CMR 30.300 through 30.900.

30.104: Wastes Subject to Exemption From 310 CMR 30.000

A waste identified in 310 CMR 30.104 is exempt from the requirements of 310 CMR 30.000 when handled in compliance with the requirements, if any, established by or referenced in 310 CMR 30.104 for that waste. A waste that is exempted from 310 CMR 30.000 may still be subject to other federal, state or local requirements. A waste identified in 310 CMR 30.104 that is not managed in compliance with the terms established by or referenced in 310 CMR 30.104 is a hazardous waste and is subject to all applicable requirements of 310 CMR 30.000.

(1) Wastes Based Upon Exclusions from the Definition of Hazardous Waste pursuant to M.G.L. c. 21C.

(a) Domestic sewage and any mixture of domestic sewage and other waste that passes through a sewer system to a publicly owned treatment works, provided that the other

waste is legally discharged to the sewer system. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(b) Industrial wastewater discharges that are point source discharges permitted pursuant to M.G.L. c. 21, § 43 or subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or managed in compliance with 310 CMR 71.00. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(c) Irrigation return flows.

(d) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 43 U.S.C. §2011 et seq.

(2) Wastes Otherwise Excluded from Regulation.

(a) Waste exempt pursuant to:

1. 310 CMR 30.102(2)(c)1. or 2.;

2. 310 CMR 30.105(1) addressing certain PCB wastes regulated pursuant to the Toxic Substances Control Act; or

3. 310 CMR 30.106: Residues of Hazardous Waste in Empty Containers.

(b) The material is a recyclable material reclaimed in compliance with 310 CMR 30.202(5) or 30.280(2).

(c) The waste ceases to be a hazardous waste pursuant to 310 CMR 30.141.

(d) The waste is listed in 310 CMR 30.130 through 30.136 but has been classified as non-hazardous pursuant to 310 CMR 30.142; or

(e) The waste is a waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332), provided it does not exhibit any of the characteristics described pursuant to 310 CMR 30.120 through 30.125.

(f) Materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(g) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse derived fuel) or reused, except household hazardous waste accepted or accumulated at an event or center subject to 310 CMR 30.390. "Household waste" means any material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under 310 CMR 30.000, if such facility:

1. Receives and burns only

a. Household waste (except household hazardous waste accepted or accumulated at an event or center subject to 310 CMR 30.390) and

b. Waste from commercial or industrial sources that does not contain hazardous waste; and

2. Does not accept hazardous waste, and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(h) Wastes generated by any of the following and which are returned to the soil as fertilizer:

1. The growing and harvesting of agricultural crops; and

2. The raising of animals, including animal manures.

(i) Mining overburden returned to the mine site.

(j) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

(k) Drilling fluids, produced waters and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

(l) Waste which is hazardous solely because it fails the test for toxicity due to the presence of chromium and waste which is hazardous because it is listed in 310 CMR 30.130 through 30.136 due only to the presence of chromium, provided the waste does not fail the test for any characteristic other than toxicity due only to the presence of chromium, shall not be subject to 310 CMR 30.000 if the criteria of 310 CMR 30.104(2)(l), 1., 2. and 3. are satisfied and documentation establishing compliance with these criteria is kept on-site by the generator in compliance with 310 CMR 30.331 and made available for inspection by the Department or the waste meets one or more of the descriptions in 310 CMR 30.104(2)(l)4.

1. The chromium in the waste is exclusively, or nearly exclusively, trivalent chromium.
2. The waste is generated from an industrial process which uses trivalent chromium exclusively, or nearly exclusively, and the process does not generate hexavalent chromium.
3. The waste is typically and frequently managed in non-oxidizing environments.
4. Specific wastes which meet the standard in 310 CMR 30.104(2)(l)1., 2., and 3, provided they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic, are:
 - a. Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - b. Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - c. Buffing dust generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
 - d. Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - e. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - f. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
 - g. Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
 - h. Wastewater treatment sludges from the production of TiO₂ pigment using chromium-bearing ores by the chloride process.

(m) Waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore). For purposes of 310 CMR 30.104(2)(m), beneficiation of ores and minerals is restricted to the activities enumerated by 40 CFR 261.4(b)(7)(i) and waste from the processing of ores and minerals includes only those wastes specifically identified in 40 CFR 261.4(b)(7)(ii)(A) through (T), as in effect on July 1, 2001, and incorporated by reference herein.

(n) Cement kiln dust waste.

(o) Waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through

D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

(p) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of 310 CMR 30.125 (Hazardous Waste Codes D018 through D043 only) when managed in compliance with the requirements of 310 CMR 40.000.

(q) Non-commodity CRTs. CRTs that are disposed of intact, and CRTs that are crushed or ground up (excluding monochrome CRTs) are subject to 310 CMR 30.000.

(r) Explosives which are destroyed by, or whose destruction is supervised, by U.S. Army Explosive Ordnance personnel, if such explosives are generated by a Small Quantity Generator, as that term is defined in 310 CMR 30.351(1) and (2), such destruction does not involve land disposal, and such destruction occurs during an immediate response to an immediate threat to human health, safety or welfare or to the environment, by U.S. Army Explosive Ordnance personnel.

(s) Explosives which are destroyed by, or whose destruction is supervised by the Department of Public Safety pursuant to M.G.L. c. 148, § 9 and regulations codified at 527 CMR 13.00 et seq., if such explosives are generated by a Small Quantity Generator, as that term is defined in 310 CMR 30.351(1) and (2), such destruction does not involve land disposal, and such destruction occurs during an immediate response to an immediate threat to human health, safety or welfare or to the environment, by Department of Public Safety personnel.

(t) Wastes with infectious characteristics, which are regulated by the Department of Public Health pursuant to M.G.L. c. 111, §§ 3 and 51 through 56.

(3) Wastes Subject to Conditional Exemptions.

(a) Samples of waste collected for the sole purpose of testing to determine their properties, characteristics or composition while being managed pursuant to 310 CMR 30.104(3)(a)1. and provided that the generator or sample collector complies with the requirements of 310 CMR 30.104(3)(a) 2. and 3.

1. The exemption established in 310 CMR 30.104(3)(a) is only applicable when:

- a. The sample is being transported to a laboratory for the purpose of testing; or
- b. The sample is being transported back to the sample collector after testing; or
- c. The sample is being stored by the sample collector before transport to a laboratory for testing; or
- d. The sample is being stored in a laboratory before testing; or
- e. The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or
- f. The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2. In order to qualify for the exemption in 310 CMR 30.104(3)(a), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- a. Comply with DOT, USPS, or any other applicable shipping requirements; or
- b. Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

(i) Assure that the following information accompanies the sample:

- (A) The sample collector's name mailing address and telephone number;
- (B) The laboratory's name, mailing address, and telephone number;
- (C) The quantity of the sample;
- (D) The date of shipment; and
- (E) A description of the sample.

(ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3. This exemption shall not apply when the sample is discarded or if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in 30.104(3)(a)1.e. or f.
- (b) Treatability Study Samples. Except as provided in 310 CMR 30.104(3)(b) and (c), any person who generates or collects samples for the purpose of conducting treatability studies is exempt from the requirements of 310 CMR 30.000, and need not include treatability study samples in quantity determinations made pursuant to 310 CMR 30.340(1), 310 CMR 30.351(1) and 30.353(1), so long as such samples are managed pursuant to 310 CMR 30.104(3)(b).
1. The exemption established in 310 CMR 30.104(3)(b) is only applicable when:
 - a. The generator or sample collector is collecting and preparing a sample for transportation; or
 - b. The generator or sample collector is accumulating or storing a sample prior to transportation to a laboratory or testing facility; or
 - c. The generator or sample collector is transporting a sample to a laboratory or testing facility for the purpose of conducting a treatability study; or
 - d. The sample is being transported back to the generator or sample collector after completion of the treatability study.
 2. Any person who generates or collects samples for the purpose of conducting a treatability study shall comply with the following requirements:
 - a. The generator or sample collector shall accumulate for treatability studies a total of no more than 10,000 kilograms of media contaminated with non-acutely hazardous waste, 1,000 kilograms of non-acutely hazardous waste other than contaminated media, 1 kilogram of acutely hazardous waste, or 2,500 kilograms of media contaminated with acutely hazardous waste for each treatment process being evaluated for each generated waste stream; and
 - b. The mass of each sample shipment shall not exceed 10,000 kilograms; the 10,000 kilogram quantity may be all media contaminated with non-acutely hazardous waste, 2,500 kilograms of media contaminated with acutely hazardous waste, 1,000 kilograms of hazardous waste, and 1 kilogram of acutely hazardous waste; and
 - c. The generator or sample collector accumulates treatability study samples at the site of generation for 180 days or less; and
 - d. The generator or sample collector shall package the sample to ensure that the sample will not leak, spill, or vaporize from its packaging during shipment, and shall ensure that:
 - (i) The transportation of each sample shipment shall comply with DOT, USPS, and all other applicable shipping requirements; or
 - (ii) If DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information shall accompany the sample:
 - (A) The name, mailing address, and telephone number of the originator of the sample;
 - (B) The name, address, and telephone number of the facility that will perform the treatability study;
 - (C) The quantity of the sample;
 - (D) The date of shipment; and
 - (E) A description of the sample including the EPA Hazardous Waste Number of the material in the sample; and
 - e. The generator or sample collector shall cause the sample to be shipped only to a laboratory or testing facility which is exempt pursuant to 310 CMR 30.104(3)(c), or has a valid license issued by the Department pursuant to M.G.L. c. 21C or interim status; and
 - f. The generator or sample collector may transport the sample off the site of generation without having to obtain a license to transport hazardous waste or a vehicle identification device for the vehicle in which the hazardous waste is

transported, and without having to use a hazardous waste manifest, but only if all of the following requirements are met:

- (i) The generator or sample collector may not collect or transport any treatability sample except such treatability samples generated by that generator.
- (ii) the transport of the treatability sample is not prohibited by the DOT pursuant to 49 CFR 172.101(d).
- (iii) The generator or sample collector may deliver the treatability sample only to a destination described in 310 CMR 30.104(3)(b)2.e.
- (iv) The generator or sample collector may not transport more, in the aggregate, than 200 kilograms of treatability sample in any one vehicle at any one time. Such treatability samples may be transported only in containers.
- (v) The generator or sample collector shall transport the treatability sample only in containers that are
 - (A) compatible with the sample; and
 - (B) tightly sealed; and
 - (C) tightly secured to the vehicle in which they are transported; and
 - (D) clearly marked and labelled in a manner which identifies, in words, the material(s) in the container (e.g., acetone, toluene) and the hazard(s) associated with the sample (e.g., ignitable, toxic, dangerous when wet); and
 - (E) clearly marked with the words "Treatability Sample"; and
 - (F) in compliance with applicable regulations and standards of the DOT and the Massachusetts Department of Public Works, and the Massachusetts Board of Fire Prevention Regulations, 527 CMR 1.00 through 24.00.
- (vi) Treatability samples that are incompatible with each other shall not be transported in the same vehicle at the same time.
- (vii) In the event that a fire, explosion, spill or other release or threat of release of oil, hazardous waste, or hazardous material occurs during transport, the generator shall take all appropriate action to protect public health, safety, and welfare and the environment, and shall
 - (A) Immediately notify the local fire and police departments; and
 - (B) Call the Bureau of Waste Site Clean-up at the Department's Regional Office serving the location where the release or threat of release occurred when required by and within the time frames established pursuant to 310 CMR 40.0311 through 40.0317. To report a release after normal business hours, dial (617) 556-1133, (888) 304-1133 (or such other telephone number as may be designated by the Department) or follow any instructions provided on the answering message for the Regional Office.
 - (C) In addition to the notification requirements of 310 CMR 30.104(3)(b)2.f.(vii)(A) and (B), when a fire, explosion, spill or other release could threaten human health or the environment, when a reportable quantity limit established pursuant to 310 CMR 40.0000 has been exceeded, or when the generator has knowledge that a spill has reached surface water or an adjoining shoreline, the generator shall immediately notify the National Response Center at its 24-hour toll-free number (1-800-424-8802) and provide the information required pursuant to 310 CMR 30.351(9)(i)2.a – g.
- (viii) The vehicle in which the treatability sample is transported shall go directly to the intended destination, without any stops or detours in between except those reasonably and immediately necessary in response to road conditions, the driver's need for nourishment or rest, the vehicle's need for service or maintenance, or emergencies.

- (ix) The generator shall placard the vehicle when so required by DOT pursuant to 49 CFR 172.504.
- g. A generator or sample collector who ships or offers for shipment any sample in excess of 200 kilograms in weight shall:
 - (i) not itself transport the sample unless that generator or sample collector has at that time a valid license issued by the Department pursuant to M.G.L. c. 21C to transport hazardous waste; and
 - (ii) offer the sample for transportation only to a person who has at that time both an EPA identification number and a valid license issued by the Department pursuant to M.G.L. c. 21C for the transport of that hazardous waste sample; and
 - (iii) limit the mass of each sample shipment to 10,000 kilograms or less. The 10,000 kilogram quantity may be all media contaminated with non-acutely hazardous waste, or may include 2,500 kilograms of media contaminated with acutely hazardous waste, 1,000 kilograms of hazardous waste, and 1 kilogram of acutely hazardous waste; and
- h. The generator or sample collector shall maintain the following records for a period of at least three years after completion of the treatability study, or for the duration of any unresolved enforcement action, whichever period is longer:
 - (i) Copies of the shipping documents;
 - (ii) A copy of the contract with the facility conducting the treatability study;
 - (iii) Documentation showing:
 - (A) the amount of waste shipped pursuant to 310 CMR 30.104(3)(b);
 - (B) the name, address, and EPA identification number of the laboratory or testing facility that received the waste;
 - (C) the date of the shipment to the laboratory or testing facility; and
 - (D) whether or not unused samples and residues were returned to the generator; and
- i. A Large Quantity Generator shall report the information required in 310 CMR 30.104(3)(b)2.g.(iii) in its Biennial Report, as described in 310 CMR 30.332.
- (c) Samples undergoing treatability studies at laboratories and testing facilities. While a sample undergoing a treatability study is at a laboratory or testing facility, such sample is not subject to any requirement of 310 CMR 30.000, provided that the requirements set forth in 310 CMR 30.104(3)(c) are met. The laboratory or test facility which only conducts treatability studies on treatability samples is not subject to any requirement of 310 CMR 30.000 provided that the requirements of 310 CMR 30.104(3)(c) are met. A mobile treatment unit may qualify as a testing facility subject to 310 CMR 30.104(3)(c). Where a group of mobile treatment units are located at the same site, the limitations specified in 310 CMR 30.104(3)(c) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
 - 1. A laboratory or testing facility which intends to conduct treatability studies shall notify the Department, in writing, and shall submit an application to the Department prior to commencing or conducting such treatability studies, and shall not commence such treatability studies without the prior written approval of the Department. The application shall include the following information:
 - a. The name and address of the owner of the property where the laboratory or testing facility is, or will be, located;
 - b. The name and address of the owner/operator of the laboratory or testing facility;
 - c. The name and telephone number of the individual responsible for supervising all treatability studies at the laboratory or testing facility;
 - d. An operations plan which shall include a site plan and shall describe, at a minimum, all of the following:
 - (i) All hazardous waste storage areas;
 - (ii) All hazardous waste treatment and sample analysis areas;

- (iii) All hazardous wastes to be stored and treated or analyzed, including chemical name and waste codes;
 - (iv) All hazardous waste treatment processes;
 - (v) Procedures for obtaining detailed chemical and physical analyses of representative samples of wastes prior to receipt by the laboratory or testing facility for treatability study; and
 - (vi) Chemical and physical screening methods used to verify that the information obtained pursuant to 310 CMR 30.104(3)(c)1.d.(v) accurately represents the hazardous waste received from off-site generators and sample collectors; and
- e. Certification that the laboratory or testing facility is in compliance with 310 CMR 30.351(8) and (9), and that there are written emergency procedures to be used in the event of a fire, explosion, or spill within the storage, analysis, and treatment areas, including identification of the individual(s) responsible for implementing and carrying out all emergency actions; and
- f. The signatures described in 310 CMR 30.807(1) and certification required by 310 CMR 30.009 both for sites where mobile treatment units are placed and for applicants located at a laboratory or testing facility; and
- g. Listing and status of all required permits or construction approvals for treatability study activity conducted, or intended or proposed to be conducted, by the applicant; and
- h. A description of introductory and continuing training programs for all personnel involved in the treatability studies, and documentation of all training given and intended or proposed to be given to each employee. Each applicant's training program shall emphasize hazardous waste management, treatment, and emergency procedures; and
- i. Certification that there are written decontamination procedures in effect for mobile treatment units as required in 310 CMR 30.585;
- j. The following certification, which shall be separately signed by the persons described in 310 CMR 30.807:
- I certify under penalty of law that the hazardous waste treatment process and equipment have been designed and installed and will be operated safely with a minimum risk to public health and safety and to the environment.
- k. Documentation that the applicant has sent a copy of the notification to the Board of Health, Fire Department and Emergency Planning Committee of the city or town in which the laboratory, testing facility, or mobile treatment unit will be located.
2. The Department may obtain additional information or conduct inspections at the treatability site at any time to ensure that the operation constitutes an insignificant potential hazard to the public health, safety, or welfare or the environment.
3. The laboratory or testing facility conducting the treatability study shall have an EPA identification number as described in 310 CMR 30.511.
4. The laboratory or testing facility shall initiate, in any one day, treatment in all treatability studies on no more than 10,000 kilograms of "as received" media contaminated with non-acutely hazardous waste, 2,500 kilograms of media contaminated with acutely hazardous waste, or 250 kilograms of other "as received" hazardous waste. "As received" waste means the waste as received in the shipment from the generator or sample collector.
5. For the purpose of evaluation in treatability studies, the total quantity of "as received" hazardous waste stored at a laboratory or testing facility shall not at any time exceed, in the aggregate, 10,000 kilograms. The 10,000 kilogram quantity may include not more than 10,000 kilograms of media contaminated with non-acutely hazardous waste, 2,500 kilograms of media contaminated with acutely hazardous waste, 1,000 kilograms of non-acutely hazardous wastes other than contaminated media, and 1 kilogram of acutely hazardous waste. The total quantity of as received

hazardous waste does not include treatment materials (including non-hazardous waste) added to "as received" hazardous waste.

6. The laboratory or testing facility shall hold no sample longer than 90 days after the completion of the treatability study in which the sample was used, or one year after the generator or sample collector ships the sample to the laboratory or testing facility (two years for treatability studies involving bioremediation), whichever date first occurs. Up to 500 kilograms of treated material from a particular wastestream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived shall be counted towards the total storage limit for the laboratory or testing facility.

7. The laboratory or testing facility shall accumulate treatability study samples, retained samples, treatability study residues and treatment materials (including nonhazardous waste) added to "as received" hazardous waste in storage at the laboratories or testing facilities in compliance with the requirements in 310 CMR 30.351(8) and (9).

8. In a treatability study, the placement of hazardous waste into or on land, and the open burning of hazardous waste, are prohibited.

9. For three years following completion of each study, or for the duration of any unresolved enforcement action, whichever period is longer, the laboratory or testing facility shall maintain all records that show the treatment rate, the quantity of material in storage, and the amount of time of storage, including, without limitation, records showing the following:

- a. The name, address, and EPA identification number of the generator or sample collector of each waste sample;
- b. The date the shipment was received by the laboratory or testing facility;
- c. The quantity of waste accepted;
- d. The quantity of "as received" waste in storage each day;
- e. The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- f. The date the treatability study was concluded; and
- g. The date on which the laboratory or testing facility returned any unused sample or residues generated from the treatability study to the generator or sample collector or, if sent to a designated facility, the name and EPA identification number of the facility.

10. The laboratory or testing facility shall keep on-site a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending not less than three years from the completion date of each treatability study, or for the duration of any unresolved enforcement action, whichever period is longer. In the case of mobile treatment units, the laboratory or testing facility shall retain such information at the fixed facility where the mobile treatment unit is stored when not in use. If such location is situated outside the Commonwealth, such records shall be made available upon request of the Department.

11. The laboratory or testing facility shall prepare and submit a report to the Department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- a. The name, address, and EPA identification number of the laboratory or testing facility conducting the treatability studies;
- b. The types (by process) of treatability studies conducted;
- c. The names and addresses of persons for whom studies have been conducted (including the EPA identification number of each);
- d. The total quantity of "as received" waste together with any materials archived pursuant to 310 CMR 30.104(3)(c)6. in storage each day;
- e. The quantity and types of waste subjected to treatability studies;
- f. When each treatability study was conducted;

- g. The final disposition of residues and unused sample from each treatability study;
 - h. The names and addresses of all transporters or shippers (including the USPS) of wastes;
 - i. Types of wastes including waste codes shipped or transported; and
 - j. Dates of each shipment.
12. The laboratory or testing facility shall determine whether any unused sample or residues generated by the treatability study are hazardous waste pursuant to 310 CMR 30.100 and if so, are subject to 310 CMR 30.000, unless the residues and unused samples are returned to the sample originator pursuant to 310 CMR 30.104(3)(b).
13. The laboratory or testing facility shall comply with the following closure requirements:
- a. 310 CMR 30.585 (for equipment, structures, and soil);
 - b. 30.689 (for containers); and
 - c. 30.699 (for tank systems).
14. The laboratory or testing facility shall notify the Department by letter when the facility is no longer planning to conduct any treatability studies at the site and certifies compliance with the closure requirements referenced in 310 CMR 30.104(3)(c)13.
- (d) Research Study Samples. Except as provided in 310 CMR 30.104(3)(d) and 310 CMR 30.864, any person who generates or collects samples for the purpose of conducting a research study is exempt from the requirements of 310 CMR 30.000, and need not include research study samples in quantity determinations made pursuant to 310 CMR 30.340(1), 310 CMR 30.351(1) and 30.353(1), so long as such samples are managed pursuant to 310 CMR 30.104(3)(d).
- 1. The exemption established in 310 CMR 30.104(3)(d) is only applicable when:
 - a. The generator or sample collector is accumulating or storing a sample prior to transportation to a research facility; or
 - b. The generator or sample collector is collecting and preparing a sample for transportation; or
 - c. The generator or sample collector is transporting, or causing to have transported, a sample to a research facility for the purpose of conducting a research study.
 - d. The sample is being transported back to the generator or sample collector after completion of the research study and pursuant to a contractual agreement with the research facility.
 - 2. Any person who generates or collects samples, in excess of treatability study limits as set forth in 310 CMR 30.104(3)(b), for the purpose of conducting a research study shall comply with the following requirements:
 - a. For each treatment or disposal process evaluated for each generated waste stream, the generator or sample collector shall accumulate for a research study no more than the quantity of such waste stream that is necessary for the purpose of such study and specified in a contractual agreement with the destination research facility; and
 - b. The generator or sample collector shall accumulate at any one time for all research studies no more than the total quantities of various waste streams that are determined to be necessary for the purpose of such studies and specified in one or more contractual agreements with the destination research facility; and
 - c. The generator or sample collector shall package the sample to ensure that the sample will not leak, spill, or vaporize from its packaging during shipment; and
 - d. The generator or sample collector shall cause the sample to be shipped only to a research facility which has a valid license issued by the Department pursuant to 310 CMR 30.864; and
 - e. The generator or sample collector who transports or offers for transport to a research facility any sample shall:

- (i) Comply with all applicable manifest requirements in 310 CMR 30.310 through 30.316;
 - (ii) Not itself transport the sample unless that generator or sample collector has at that time a valid license issued by the Department pursuant to M.G.L. c. 21C to transport hazardous waste; and
 - (iii) Offer the sample for transportation only to a person who has at that time both an EPA identification number and a valid license issued by the Department pursuant to M.G.L. c. 21C for the transport of that hazardous waste sample; and
- f. The generator or sample collector shall maintain the following records for a period of at least three years after completion of a research study, or for the duration of any unresolved enforcement action, whichever period is longer:
- (i) Copies of all manifests;
 - (ii) A copy of the contractual agreement with the research facility conducting the research study;
 - (iii) Documentation showing:
 - (A) The amount of waste transported pursuant to 310 CMR 30.104(3)(d);
 - (B) The name, address, and EPA identification number of the research facility that received the waste; and
 - (C) The date of the shipment(s) to the research facility.
- g. A Large Quantity Generator shall report the information required in 310 CMR 30.104(3)(d)2.f. in its Biennial Report, as described in 310 CMR 30.332.
3. Any person who intends to or does generate or collect samples, below treatability study limits set forth in 310 CMR 30.104(3)(b), for the purpose of conducting a research study shall comply with all applicable requirements set forth in 310 CMR 30.104(3)(b).
- (e) Gasoline and water mixtures that are hazardous for the ignitability characteristic (D001) and/or the toxicity characteristic for benzene (D018) provided that the generator of the gasoline and water mixtures complies with the requirements of 310 CMR 30.104(3)(e). Such generators shall ensure that:
- 1. the material has never been used and is being reclaimed for gasoline content;
 - 2. the material, if accumulated on-site prior to shipping, is accumulated in containers that are sealed, structurally sound and labeled as a “Gasoline/Water Mixture For Reclamation – Ignitable – Toxic – Benzene”;
 - 3. the material is transported by a hazardous waste transporter using either a manifest or bill of lading, or by a common carrier using a bill of lading in compliance with 310 CMR 30.223(4)(b), as applicable, and in such a manner so as to not cause a leak or spill during transit;
 - 4. records from the recycling facility demonstrating that each shipment of material to the recycling facility was received and recycled in compliance with applicable state and federal laws and regulations, are kept by the generator for three years from the date of recycling; and
 - 5. the recycling facility signs the bill of lading or manifest acknowledging receipt of the material and returns a copy after signature to the generator.

30.105: Exemption for PCB Wastes Regulated Pursuant to Toxic Substances Control Act

- (1) PCB waste, as defined in 40 CFR 761.3, consisting of dielectric fluid or electrical equipment containing dielectric fluid that would be subject to hazardous waste regulation due to the presence of PCBs are exempt from 310 CMR 30.000 provided:
- (a) the waste is regulated pursuant to 40 CFR 761, as in effect on July 1, 2002;
 - (b) the waste does not meet the description of any listing (see, e.g., 310 CMR 30.131 describing MA01 and MA02); and

(c) the waste is hazardous solely because it exhibits the Toxicity Characteristic (D018 - D043 only).

(2) PCB waste, as defined in 40 CFR 761.3, consisting of dielectric fluid or electrical equipment containing dielectric fluid that is subject to hazardous waste regulation due to the presence of PCBs need only be managed and identified using the appropriate Massachusetts hazardous waste number(s) provided:

- (a) the waste is regulated pursuant to 40 CFR 761, as in effect on July 1, 2002;
- (b) the waste does not meet the description of an F, K, U or P listed waste; and
- (c) the only applicable EPA Hazardous waste codes are D018 - D043.

30.106: Exemption for Residues of Hazardous Waste in Empty Containers and Tanks

(1) Any residue of hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in 310 CMR 30.106(2), is not subject to regulation under 310 CMR 30.000. Any residue of hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in 310 CMR 30.106(2), is subject to regulation under 310 CMR 30.000.

(2) Definition of Empty.

(a) A container or an inner liner removed from a lined container that has held any hazardous material or hazardous waste, except a waste that is a compressed gas or that is listed or otherwise described in 310 CMR 30.136, is empty if:

- 1. all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and
- 2. no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or
- 3. no more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size, or
- 4. no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size.

(b) A container that has held a hazardous material or hazardous waste that is a compressed gas is empty when the pressure in the container is substantially at atmospheric pressure.

(c) A container or inner liner removed from a lined container that has held a hazardous waste listed or otherwise described in 310 CMR 30.136 is empty if:

- 1. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing intermediate; or
- 2. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or,
- 3. in the case of a lined container, the inner liner that prevented contact of the commercial chemical product or manufacturing intermediate with the container has been removed.

(d) A paper bag which:

- 1. has contained a hazardous material or a hazardous waste, except for a waste listed in 310 CMR 30.136, is empty if all wastes have been removed that can be removed by shaking or using equivalent means to ensure that all wastes have been removed to the extent feasible.
- 2. has contained a hazardous material or a hazardous waste listed in 310 CMR 30.136 shall never be deemed an "empty container".

(3) A tank that contained non-acutely hazardous waste and that has been disconnected such that it is no longer stationary is considered a container and is empty if there is no evidence of free flowing liquid or hazardous waste residuals as determined by the generator based on

testing or knowledge of the waste. For tanks that accumulated wastes listed in 310 CMR 30.136, the tank is considered an empty container if it has been disconnected and the requirements of 310 CMR 30.106(2)(c) are satisfied.

30.110: Criteria and Procedures for Determining Which Wastes are to be Regulated as Hazardous or Non-Hazardous Wastes

The Department shall not identify and define a waste as a hazardous waste in 310 CMR 30.100 unless it determines that the waste meets one or more of the criteria established in 310 CMR 30.111 and 30.112.

30.111: Criteria for Identifying the Characteristics of Hazardous Waste

- (1) The Department shall identify and define a characteristic of hazardous waste within 310 CMR 30.100 only upon determining that a waste that exhibits the characteristic:
 - (a) may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - (b) pose a substantial present or potential hazard to human health, safety, or welfare, or to the environment, when improperly stored, treated, transported, used, or disposed of, or otherwise managed; and
- (2) The characteristic can be:
 - (a) Measured by an available standardized test method which is reasonably within the capability of the generators of waste or of private sector laboratories that are available to serve such generators; or
 - (b) Reasonably detected by generators through their knowledge of their waste.

30.112: Criteria for Listing Hazardous Waste

- (1) The Department shall list a waste as a hazardous waste within 310 CMR 30.100 only upon determining that the waste meets one of the following criteria:
 - (a) It exhibits any of the characteristics of hazardous waste identified in 310 CMR 30.120 through 30.125;
 - (b) It satisfies the criteria of 40 CFR 261.11(a)(2) (criteria used to designate Acutely Hazardous Waste), as in effect on July 1, 1999, which are hereby adopted and incorporated by reference; or
 - (c) It satisfies the criteria of 40 CFR 261.11(a)(3) (criteria used to designate Toxic Waste), as in effect on July 1, 1999, which are hereby adopted and incorporated by reference subject to the following additions, modifications and exceptions:
 1. References to “appendix VIII” are hereby replaced with “310 CMR 30.160”.
 2. The reference to “Administrator” is hereby replaced with “Department”.
 3. The reference to “human health or the environment” is hereby replaced with “public health, safety, welfare, or to the environment”.
 4. The term “used” shall be inserted after “transported” in 40 CFR 261.11(a)(3).
 5. The reference to “human health and environmental damage” is hereby replaced with “damage to public health, safety, welfare or the environment” in 40 CFR 261.11(a)(3)(ix).
 6. The reference to “health or environmental hazard posed” is hereby replaced with “hazard posed to public health, safety, welfare or the environment” in 40 CFR 261.11(a)(3)(x).
- (2) The Department may list classes or types of waste as hazardous waste if the Department has reason to believe that individual wastes, within the class or type of waste, typically or

frequently are hazardous under the definition of hazardous waste found in M.G.L. c. 21C, Section 2.

30.120: Characteristics of Hazardous Waste

310 CMR 30.120 through 30.125 identify and define the characteristics which distinguish hazardous waste from other waste. Any waste which exhibits one or more of such characteristics is subject to 310 CMR 30.000, unless exempted pursuant to 310 CMR 30.104.

30.121: Determining Characteristics

In determining whether a waste exhibits any of such characteristics, as is required of generators by 310 CMR 30.302, a representative sample of the waste shall be analyzed using the tests specified in 310 CMR 30.152 through 30.157. For purposes of 310 CMR 30.120 through 30.125, the Department will consider a sample obtained using any of the applicable sampling methods specified in 310 CMR 30.151 to be a representative sample.

30.122: Ignitability

- (1) A waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
 - (a) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point of less than 60°C, which is approximately 140°F, as determined by one of the methods prescribed in 310 CMR 30.152.
 - (b) It is not a liquid and is capable, under standard temperature and pressure of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.
 - (c) It is an ignitable compressed gas as defined in 49 CFR 173.115(a) and as determined by the test methods described in that regulation or equivalent methods.
 - (d) It is an oxidizer, as defined in 49 CFR 173.127(a).
- (2) A waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

30.123: Corrosivity

- (1) A waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:
 - (a) It is aqueous and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using the method prescribed by 310 CMR 30.153(1).
 - (b) It is a liquid and corrodes steel (Type SAE 1020) at a rate greater than 6.35 mm (approximately 0.250 inch) per year at a test temperature of 55°C (approximately 130°F) as determined by the test method prescribed by 310 CMR 30.153(2).
- (2) A waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

30.124: Reactivity

- (1) A waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

- (a) It is normally unstable and readily undergoes violent changes without detonating.
- (b) It reacts violently with water.
- (c) It forms potentially explosive mixtures with water.
- (d) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to public health, safety, or welfare, or to the environment.
- (e) It is a cyanide or sulfide bearing waste which, when exposed to a pH of between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to public health, safety, or welfare, or to the environment.
- (f) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- (g) It is readily capable of detonation or explosive decomposition or reaction at a standard temperature and pressure.
- (h) It is a forbidden explosive as defined in 49 CFR 173.54 or a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50(b)(1)-(3).

(2) A waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.

30.125: Toxicity Characteristic (TC)

(1) A waste exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure incorporated by reference in 310 CMR 30.155 or an equivalent method, the extract from a representative sample of the waste contains any of the contaminants listed in Table 30.125 at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5% filterable solids, the waste itself, after filtering using the methodology incorporated by reference in 310 CMR 30.155, is considered to be the extract for the purposes of 310 CMR 30.125.

(2) A waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 30.125 which corresponds to the toxic contaminant causing it to be hazardous.

Table 30.125

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR TOXICITY CHARACTERISTIC

EPA HW No. ¹	Contaminant	CAS No. ²	Regulatory Level (milligrams/liter)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene.....	106-90-7	100.0

D022	Chloroform.....	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol.....	95-48-7	200.0 ⁴
D024	m-Cresol.....	108-39-4	200.0 ⁴
D025	p-Cresol.....	106-44-5	200.0 ⁴
D026	Cresol.....	-----	200.0 ⁴
D016	2, 4-D.....	94-75-7	10.0
D027	1, 4 Dichlorobenzene...	106-46-7	7.5
D028	1, 2 Dichloroethane....	107-06-2	0.5
D029	1, 1 Dichloroethylene.	75-35-4	0.7
D030	2,4 Dinitrotoluene....	121-14-2	0.13 ³
D012	Endrin.....	72-20-8	0.02
D031	Heptachlor (and its epoxide).....	76-44-8	0.008
D032	Hexachlorobenzene.....	118-74-1	0.13 ³
D033	Hexachlorobutadiene....	87-68-3	0.5
D034	Hexachloroethane.....	67-72-1	3.0
D008	Lead.....	7439-92-1	5.0
D013	Lindane.....	58-89-9	0.4
D009	Mercury.....	7439-97-6	0.2
D014	Methoxychlor.....	72-43-5	10.0
D035	Methyl ethyl ketone...	78-93-3	200.0
D036	Nitrobenzene.....	98-95-3	2.0
D037	Pentachlorophenol.....	87-86-5	100.0
D038	Pyridine.....	110-86-1	5.0 ³
D010	Selenium.....	7782-49-2	1.0
D011	Silver.....	7440-22-4	5.0

D039	Tetrachloroethylene....	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene.....	79-01-6	0.5
D041	2, 4, 5-Trichlorophenol	95-95-4	400.0
D042	2, 4, 6-Trichlorophenol	88-06-2	2.0
D017	2, 4, 5-TP (Silvex).....	93-72-1	1.0
D043	Vinyl chloride.....	75-01-4	0.2

¹ Hazardous Waste Number

² Chemical abstracts service number

³ Quantitation limit is greater than the calculated regulatory level. The quantitation limit becomes the regulatory level.

⁴ If o-, m-, p-Cresol concentration cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.

30.130: Lists of Hazardous Wastes

310 CMR 30.131 through 30.136 contain four lists of hazardous wastes. The first is a list of waste from non-specific sources. Such wastes may be generated as a part of a number of different industrial operations. Any residue or contaminated soil, water, or other debris resulting from the clean up of a spill, into or on any land or water, of any hazardous waste on this list shall carry the EPA Hazardous Waste Number of the released hazardous waste unless another hazardous waste number is designated within 310 CMR 30.131 (see, e.g., F039).

The second is a list of hazardous wastes produced by specific industries. Any residue or contaminated soil, water, or other debris resulting from the clean up of a spill, into or on any land or water, of any hazardous waste on this list shall carry the EPA Hazardous Waste Number of the released hazardous waste.

The third is a list of commercial chemical products which, if discarded or intended to be discarded in pure or off-specification form, constitute hazardous waste.

The fourth is a list of acutely hazardous wastes.

The Department will indicate the basis for listing the classes or types of wastes listed in 310 CMR 30.131 through 30.136 which have EPA Hazardous Waste Numbers by employing one or more of the following Hazard Codes:

Ignitable Waste	(I)
Corrosive Waste	(C)
Reactive Waste	(R)
Toxicity Characteristic Waste	(E)
Acutely Hazardous Waste	(H)
Toxic Waste	(T)

The absence of a letter code in 310 CMR 30.133 indicates that the compound is listed for toxicity. The absence of a letter code in 310 CMR 30.136 indicates that the compound is listed for acute toxicity. Appendix VII of 40 CFR 261, which is adopted at 310 CMR 30.162,

identifies the constituent which caused a waste to be listed for toxicity in 310 CMR 30.131 and 30.132.

A waste is a hazardous waste if it is listed in 310 CMR 30.131 through 30.136, unless it has been excluded pursuant to 310 CMR 30.142. A hazardous waste listed in 310 CMR 30.131 through 30.136 has the Hazardous Waste Number specified therein.

In addition, the following Hazardous Waste Numbers shall be used as set forth below:

Hazardous Waste No.	Substance
MA00	Hazardous waste designated as such pursuant to 310 CMR 30.144. The manifest shall include (1) a description of the most hazardous constituent of the waste, and (2) a reference to the date when the Department designated the waste as hazardous, and, (3) reference to the office of the Department which designated the waste as hazardous. For example: "Alizarin mixture, 3/7/85 NE".
MA95	Universal waste shipped on a hazardous waste manifest by a licensed hazardous waste transporter.
MA97	Class A regulated recyclable material (including, but not limited to, specification used oil fuel) that is shipped using a hazardous waste manifest.
MA98	Off-specification used oil fuel that is shipped using a hazardous waste manifest.
MA99	Not hazardous waste. This designation is to be used only for material that is not hazardous waste and that is shipped using a hazardous waste manifest.

30.131: Hazardous Waste from Non-Specific Sources

Hazardous Waste No.	Hazardous Waste
<u>Generic</u>	
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2, 2,-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

- F003 The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol: all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above nonhalogenated solvents, and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)¹
- F004 The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)
- F006 Wastewater treatment sludges from electroplating operations except from the following processes:
(1) sulfuric acid anodizing of aluminum;
(2) tin plating on carbon steel;
(3) zinc plating (segregated basis) on carbon steel;
(4) aluminum or zinc-aluminum plating on carbon steel;
(5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel;
and
(6) chemical etching and milling of aluminum. (T)
- F007 Spent cyanide plating bath solutions from electroplating operations. (R,T)
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R, T)
- F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R, T)
- F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R, T)
- F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process. (T)
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)

¹ (I,T) should be used to specify mixtures containing ignitable and toxic constituents

- F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or compound in a formulating process) of trichlorophenol or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol. (H)
- F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (H)
- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetrachlorobenzene, pentachlorobenzene, or hexachlorobenzene under alkaline conditions. (H)
- F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of trichlorophenols and tetrachlorophenols. This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol. (H)
- F024 Wastes from the production, utilizing free radical catalyzed processes, of chlorinated aliphatic hydrocarbons having one, two, three, four, or five carbon atoms. These wastes include, but are not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes. These wastes do not include light ends, spent filters and filter aids, spent desiccants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in 310 CMR 30.131 or 30.132. (T)
- F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetrachlorobenzene, pentachlorobenzene, or hexachlorobenzene under alkaline conditions. (H)
- F027 Discarded unused formulations containing trichlorophenol, tetrachlorophenol, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component. (H)
- F028 Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste having EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027. (T)
- F039 Leachate resulting from the treatment, storage, or disposal of wastes classified by more than one waste code under 310 CMR 30.131 through 30.136, or from a mixture of wastes classified under 310 CMR 30.120 through 30.125 and 310 CMR 30.131

through 30.136. (Leachate resulting from the management of one or more of the following EPA Hazardous Wastes and no other hazardous waste retains its hazardous waste code(s): F020, F021, F022, F026, F027, and/or F028.) (T)

- MA01 Waste oil² means used or unused waste oil (or any mixture thereof) that is not otherwise hazardous waste pursuant to 310 CMR 30.120 through 30.136, except that used waste oil that has a flash point greater than or equal to 100° F and less than 140° F (solely through use) remains subject to regulation as used waste oil.
- MA02 Wastes which contain polychlorinated biphenyls (PCBs) in concentrations equal to or greater than 50 parts per million.³
- MA04 Waste generated in the manufacture of paint (*e.g.*, oils, shellac, varnish, stains, lacquer, latex, enamel, alkyds, urethanes, acrylics, casein) which is not otherwise regulated as hazardous waste pursuant to 310 CMR 30.120 through 30.125 (characteristics of hazardous waste) or 30.130 through 30.136 (lists of hazardous wastes) if

-
- (1) The paint is formulated with one or more ingredients which are listed as hazardous constituents in 310 CMR 30.160; or
 (2) The paint is formulated with any ingredient which contains 1% or more by weight of hazardous constituents listed in 310 CMR 30.160.
-

30.132: Hazardous Waste from Specific Sources

Industry and EPA Hazardous Waste No.	Hazardous Waste
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Wood Preservation:

- K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.

Inorganic Pigments:

- K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.
- K003 Wastewater treatment sludge from the production of molybdate orange pigments.

² White oils and incidental waste oil appearing as a film on scrap metal are not subject to 310 CMR 30.000. However, waste transformer oil is subject to 310 CMR 30.000. *See* also 310 CMR 30.200.

³ These are also subject to regulation pursuant to the U.S. Toxic Substances Control Act. *See* also 310 CMR 30.305(5), 30.501, and 30.801.

(I,T) should be used to specify mixtures containing ignitable and toxic constituents

K004	Wastewater treatment sludge from the production of zinc yellow pigments.
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.

Organic Chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile. (R, T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile. (R, T)
K014	Bottoms from acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride.
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
K018	Heavy ends from the fractionation column in ethyl chloride production.
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K026	Stripping still tails from the production of methy ethyl pyridines.

K027	Centrifuge and distillation residues from toluene diisocyanate production. (R. T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.
K083	Distillation bottoms from aniline production.
K103	Process residues from aniline extraction from the production of aniline.
K104	Combined wastewater streams generated from nitro-benzene/aniline production.
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
- K136 Still bottoms from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Inorganic Chemicals:

- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production.

Pesticides:

- K031 By-product salts generated in the production of MSMA and cacodylic acid.
- K032 Wastewater treatment sludge from the production of chlordane.
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
- K035 Wastewater treatment sludges generated in the production of creosote.
- K036 Still bottoms from toluene reclamation distillation in the production of disulfoton.
- K037 Wastewater treatment sludges from the production of disulfoton.
- K038 Wastewater from the washing and stripping of phorate production.
- K039 Filter cake from the filtration of diethylophosphorodithioic acid in the production of phorate.
- K040 Wastewater treatment sludge from the production of phorate.
- K041 Wastewater treatment sludge from the production of toxaphene.
- K098 Untreated process wastewater from the production of toxaphene.
- K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
- K043 2,6-Dichlorophenol waste from the production of 2,4-D.

K099	Untreated wastewater from the production of 2,4-D.
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.

Explosives:

K044	Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
K045	Spent carbon from the treatment of wastewater containing explosives. (R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K047	Pink/red water from TNT operations. (R)

Petroleum Refining:

K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K049	Slop oil emulsion solids from the petroleum refining industry.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (lead) from the petroleum refining industry.

Iron and Steel:

K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K062	Spent pickle liquor from steel finishing operations. (C,T)

Primary copper:

K064 Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.

Primary lead:

K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;

Primary zinc:

K066 Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production;

Primary aluminum:

K088 Spent potliners from primary aluminum reduction:

Ferroalloys:

K090 Emission control dust or sludge from ferrochromium silicon production.

K091 Emission control dust or sludge from ferrochromium production.

Secondary Lead:

K069 Emission control dust/sludge from secondary lead smelting.

K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.

Veterinary Pharmaceuticals:

K084 Wastewater treatment sludges generated during the production of veterinary compounds from arsenic or organo-arsenic compounds.

K101 Distillation tar residues from the distillation of aniline based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Ink Formulation:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Coking:

K060 Ammonia still lime sludge from coking operations.

K087 Decanter tank tar sludge from coking operations.

30.133: Hazardous Wastes Which Are Discarded Commercial Chemical Products or Off-Specification Batches of Commercial Chemical Products or Spill Residues of Either

- (1) The following materials or items are hazardous wastes if and when they are, or are intended to be, discarded:
- (a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.133.
 - (b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in 310 CMR 30.133.
 - (c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.133, unless the container is empty as defined in 310 CMR 30.106.
 - (d) Residues or hazardous waste constituents contained in media. Any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.133, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in 310 CMR 30.133.

- (2) These hazardous wastes and their corresponding EPA Hazardous Waste Numbers are:

<u>Haz. Waste Number</u>	<u>Chemical Abstracts Numbers</u>	<u>Substance</u>
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	94-75-7*	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead(2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
see F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile

U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Anrino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8, 8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta, 8aalpha, 8balpha)]-
U157	56-49-5	Benz[j]acanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2- propynyl)-
U018	56-55-3	Benz[a]anthracene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine(I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chloro- phenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	17-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis [4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R, T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-

U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	81-07-2*	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U064	189-55-9	Benzo[rs]pentaphene
U248	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxo-butoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U031	D71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	111-54-6*	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride

U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051	-----	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha, 2alpha, 3beta, 4alpha, 5alpha, 6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	94-75-7*	2,4-D, salts & esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate

U089	56-53-1	Diethylstilbesterol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethycarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-1-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	111-54-6*	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether

U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesul fonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso-ureido)-. D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H2S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)

U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8-octa- chloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2- one, 1,1a,3,3a,4,5,5a,5b,6-decachloro- octahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10- [(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexo- pyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11- trihydroxy-1-methoxy-. (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'- dimethyl[1,1'-biphenyl]-4,4'-diyl)bis (azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine

U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphor in-2-amine, N,N-bis (2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
see F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U170	100-02-7	Phenol, 4-nitro-
see F027	87-86-5	Phenol, pentachloro-,
see F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
see F027	95-95-4	Phenol, 2,4,6-trichloro-
see F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-

U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
see F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloro-ethyl)amino]-
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	81-07-2*	Saccharin, & salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
see F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
see F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
see F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U153	74-93-1	Thiomethanol (I)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-

U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
see F027	95-95-4	2,4,5-Trichlorophenol
see F027	88-06-2	2,4,6-Trichlorophenol
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	81-81-2*	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (l)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide, Zn ₃ P ₂ when present at concentrations of 10% or less

* CAS Number given for parent compound only.

30.136: Acutely Hazardous Wastes

A waste is an acutely hazardous waste if it is listed in this section, or if it listed in 310 CMR 30.131 with EPA Hazardous Waste No. F020, F021, F022, F023, F026, or F027.

(1) In addition to the wastes listed in 310 CMR 30.131 with EPA Hazardous Waste No. F020, F021, F022, F023, F026, or F027, the following materials or items are acutely hazardous waste if and when they are, or are intended to be, discarded:

- (a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.136.
- (b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in 310 CMR 30.136.
- (c) Any residue remaining in a container or an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.136, unless the container is an empty container as defined in 310 CMR 30.106.
- (d) Residues or hazardous waste constituents contained in media. Any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 310 CMR 30.136, or any residue or

contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in 310 CMR 30.136.

(e) Any paper bag which has contained any material described in 310 CMR 30.136(1)(a) through (d).

(f) Any residue containing a chemical intermediate or chemical product having the generic name listed in 310 CMR 30.136 that is mixed with any other hazardous waste.

(2) The acutely hazardous wastes and their corresponding EPA Hazardous Waste Numbers are:

<u>Haz. Waste Number</u>	<u>Chemical Abstracts Numbers</u>	<u>Substance</u>
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)-ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium
P017	598-31-2	Bromoacetone

P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030	-----	Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10- hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10- hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a- octahydro-, (1aalpha,2beta,2aalpha,3beta, 6beta,6aalpha,7beta,7aalpha)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a- octahydro-, (1aalpha,2beta,2abeta,3alpha, 6alpha,6abeta,7beta,7aalpha)-, & metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P066	16752-77-5	Ethanimidothioic acid, N-[(methylamino)-

		carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8, 9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	54-11-5 *	Nicotine, & salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide O(s)O(4), (1-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2,2,1]heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion

P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1 *	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethyl-thio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitro-phenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)-sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitro-phenyl) ester
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methyl-amino)carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5 *	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	57-24-9 *	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9 *	Strychnine, & salts

P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetrphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Thallium(I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimimidocarbonic diamide $[(H_2N)C(S)]_2NH$
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2 *	Warfarin, & salts, when present at concentrations greater than 0.3%
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2 (R,T), when present at concentrations greater than 10%

* CAS Number given for parent compound only.

30.140: When a Waste Becomes a Hazardous Waste

- (1) A waste which is not exempted from regulation pursuant to 310 CMR 30.104, becomes a hazardous waste when any of the following occurs:
- (a) In the case of a waste listed in 310 CMR 30.131 or 30.132, when the waste first meets a listing description set forth in those sections.
 - (b) In the case of a waste listed in 310 CMR 30.133 or 30.136 when the waste first meets a listing description set forth in those sections and either a decision is made to discard the material or it is discarded.
 - (c) In the case of a mixture of non-hazardous waste and one or more listed hazardous wastes, when a hazardous waste listed in 310 CMR 30.130 through 30.136 is first added to the non-hazardous waste.
 - (d) In the case of a waste not listed in 310 CMR 30.130 through 30.136, including mixtures of wastes not listed in 310 CMR 30.130 through 30.136, when the waste exhibits any of the characteristics identified in 310 CMR 30.120 through 30.125.
 - (e) In the case of residue remaining in an empty container, as defined in 310 CMR 30.106, after the residue has first been removed if it exhibits any of the characteristics identified in 310 CMR 30.120 through 30.125 or contains a waste listed in 310 CMR 30.130 through 30.136.

(f) When the hazardous waste is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, it shall become subject to regulation as a hazardous waste when it exits the unit in which it was generated, except that:

1. if the unit is a surface impoundment, the hazardous waste shall become subject to regulation as a hazardous waste upon generation; and
2. if the hazardous waste remains in the unit, other than a surface impoundment, for more than 90 days after the unit ceases to be operated for manufacturing, storage or transportation of the product or raw material, the hazardous waste shall become subject to regulation as a hazardous waste upon the expiration of said 90 days.

30.141: When a Hazardous Waste Ceases to be a Hazardous Waste

Unless and until it meets the criteria in 310 CMR 30.141, a hazardous waste shall remain subject to regulation as a hazardous waste. Any hazardous waste described in 310 CMR 30.140 ceases to be a hazardous waste and need no longer be regulated as such when:

- (1) In the case of any waste or mixture which is regulated solely by virtue of the characteristics in 310 CMR 30.120 through 30.125, it no longer exhibits any of said characteristics.
- (2) In the case of any waste which is a listed waste in 310 CMR 30.130 through 30.136, or waste which is derived from a waste listed in 310 CMR 30.130 through 30.136, it has been determined that the waste is not a hazardous waste pursuant to 310 CMR 30.142.
- (3) In the case of a mixture of non-hazardous waste and one or more hazardous wastes listed in 310 CMR 30.130 through 30.136 solely because the waste(s) exhibit(s) one or more characteristics of hazardous waste identified in 310 CMR 30.122 (ignitable), 30.123 (corrosive), or 30.124 (reactive), the resultant mixture no longer exhibits any such characteristic of hazardous waste. Any mixing process to render a waste non-hazardous is treatment of hazardous waste subject to the applicable requirements of 310 CMR 30.500 through 30.900.
- (4) In the case of a waste which can be recycled, the Department has approved that recycling pursuant to 310 CMR 30.200, provided that it is recycled in compliance with 310 CMR 30.200 and the terms and conditions of such approval.

30.142: Petition to Classify a Waste as Non-Hazardous

(1) Any person seeking to exclude a waste, which is designated by an EPA Hazardous Waste Number at a particular generating facility from the lists in 310 CMR 30.131 through 30.136 may petition the EPA Administrator for a regulatory amendment. To be successful, the petitioner shall comply with 40 CFR §§ 260.20(b) through (e) and 260.22, as in effect on July 1, 1999, which are hereby adopted and incorporated by reference, with respect to delisting petitions only, with the following additions, modifications and exceptions:

- (a) 40 CFR 260.20(b) is hereby modified to read as follows: "Each petition shall be submitted to the Administrator by certified mail, with a copy of the petition sent to the Department either by certified mail or hand delivery, and shall include:";
- (b) All references to federal citations within 40 CFR 260.22 are substituted with the analogous state regulation as follows:
 1. "§ 261.3(a)(2)(ii) or (c)" is hereby replaced with "310 CMR 30.102(2)(a) or (d)";
 2. "subpart D" is hereby replaced with "310 CMR 30.131 through 30.136"
 3. "paragraph (a) of this section" is hereby replaced with "310 CMR 30.142(1)";

4. "subpart C of part 261" is hereby replaced with "310 CMR 30.120 through 30.125"; "
5. "§ 261.21, § 261.22, § 261.23, or § 261.24" are hereby replaced with "310 CMR 30.122, 30.123, 30.124, or 30.125";
6. "Appendix VII of part 261 of this chapter" is hereby replaced with "Appendix VII of part 261 as adopted at 310 CMR 30.162";
7. "260.11" is hereby replaced with "310 CMR 30.012";
8. "§ 261.11(a)(3)" is hereby replaced with "310 CMR 30.112(1)(c)";
9. "§ 261.11(a)(3)(i) through (xi)" is hereby replaced with "310 CMR 30.112(1)(c)1. through 11."; and
10. "261.11(a)(2)" is hereby replaced with "310 CMR 30.112(1)(b)".

(2) A waste which is excluded by the EPA pursuant to 310 CMR 30.142(1) is still a hazardous waste subject to 310 CMR 30.000 if:

- (a) the Department has accepted the EPA exclusion decision with a modification to impose additional, more stringent requirements; or
- (b) the Department has prohibited the EPA exclusion decision from taking effect within the Commonwealth of Massachusetts.

(3) Any person seeking to exclude a waste which is designated by a Massachusetts Hazardous Waste Number at a particular generating facility from the lists in 310 CMR 30.131 through 30.136 may petition the Department for a waiver. To be successful, the petitioner shall comply with 310 CMR 30.142(3)(a) through (c).

- (a) Each petition shall be submitted to the Department by certified mail or by hand delivery and shall include the following:
 1. The petitioner's name and address;
 2. A description of the waste or wastes for which the determination is requested pursuant to 310 CMR 30.142(3);
 3. Any relevant data, studies, or other information;
 4. The certification required by 310 CMR 30.009; and
 5. The petitioner's signature.
- (b) After receipt of any such petition, the Department may request any additional information which it may reasonably require to evaluate the petition.
- (c) The determination of the Department shall apply only to the particular waste generated at the individual plant covered by the petition.

30.143: Special Requirements for Regulated Recycled Materials and Universal Wastes

(1) Materials that would be hazardous wastes if disposed of, but are recycled in compliance with 310 CMR 30.200 instead of being disposed of, are subject to the provisions of 310 CMR 30.200.

(2) The materials listed in 310 CMR 30.143(2)(a) through (e), and further described in 310 CMR 30.1020, are exempt from regulation under 310 CMR 30.200 through 30.900, provided such wastes are managed in compliance with 310 CMR 30.1000:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing devices; and
- (e) Mercury-containing lamps.

30.144: Authority to Further Identify Hazardous Waste

A waste which is not identified or otherwise described in 310 CMR 30.120 through 30.125 or 30.130 through 30.136 becomes subject to 310 CMR 30.000 if:

- (1) The Department, in the course of inspecting any premises, has reason to believe that the waste being generated, transported, stored, treated, used, or disposed of meets the general criteria of a hazardous waste as set forth in 310 CMR 30.111; and
- (2) The Department believes that an imminent threat pursuant to M.G.L. c. 21C, §§ 9 and 11, may exist.

30.151: Representative Sampling Methods

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. For sampling waste with properties similar to the indicated material, the Department will consider samples collected using the sampling protocols listed in Appendix I of 40 CFR Part 261, as in effect on July 1, 2000, which is hereby adopted by reference or equivalent methods to be representative of the waste.

Copies of ASTM Standards referred to in Appendix I of 40 CFR Part 261 are available from: ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

30.152: Test for Ignitability of Waste

- (1) The flash point of liquids shall be determined by any of the following methods:
 - (a) A Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, and/or "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods";
 - (b) A Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78; or
 - (c) An equivalent method.

30.153: Test for Corrosivity of Waste

- (1) pH shall be determined by a pH meter using either method 5.2 in the "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" or by an equivalent method.
- (2) The rate of corrosion of steel shall be determined by the test method specified by the National Association of Corrosion Engineers, standard TM-01-69, as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" or by an equivalent method.

30.154: Test for Reactivity of Waste

No test is specified. Refer to criteria in 310 CMR 30.124.

30.155: Toxicity Characteristic Leaching Procedure (TCLP)

To determine whether a waste exhibits the characteristic of toxicity, the following procedure shall be used: Toxicity Characteristic Leaching Procedure, Method 1311, as specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 310 CMR 30.012.

30.156: Paint Filter Liquids Test

To determine the presence or absence of free liquids in waste, the following procedure shall be used: Paint Filter Liquid Test, Method 9095, as specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." EPA Publication SW-846, as incorporated by reference at 310 CMR 30.012.

30.157: Test Methods

Appropriate analytical procedures to determine whether a sample contains a given toxic constituent or a given physical characteristic are specified in Chapter Two, "Choosing the Correct Procedure" found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 310 CMR 30.012. Prior to final sampling and analysis method selection, the individual should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

30.160: Hazardous Constituents

<u>Common Name</u>	<u>Chemical Abstracts Name</u>	<u>Chemical Abstracts Number</u>	<u>Haz. Waste No.</u>
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylamino-fluorene	Acetamide, N-9H-fluoren-2-yl	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thio-urea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	----
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116-06-3	P070
Aldrin	1, 4, 5, 8-Dimethanonaphthalene, 1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8, 8a-hexahydro-, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	00107-05-1	see F024
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	----
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	P119

Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	----
Antimony compounds, N.O.S. *	-----	-----	----
Aramite	Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethylethyl) phenoxy]-1-methylethyl ester	140-57-8	----
Arsenic	Same	7440-38-2	----
Arsenic compounds, N.O.S. *	-----	-----	----
Arsenic acid	Arsenic acid H ₃ AsO ₄	7778-39-4	P010
Arsenic trioxide	Arsenic oxide As ₂ O ₃	1327-53-3	P012
Arsenic pent-oxide	Arsenic oxide As ₂ O ₅	1303-28-2	P011
Auramine	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barium	Same	7440-39-3	----
Barium compounds, N.O.S. *	-----	-----	----
Barium cyanide	Same	542-62-1	P013
Benz[c]acridine	Same	225-51-4	U016
Benz[a]anthracene Same	56-55-3	U018	
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U019
Benzeneearsonic acid	Arsonic acid, phenyl-	98-05-5	----
Benzidine [1,1'-Biphenyl]-4,4'-diamine	92-87-5	U021
Benzo[b]fluoranthene	Benzo[e]acephenanthrylene	205-99-2	----
Benzo[j]fluoranthene	Same	205-82-3	----
Benzo[a]pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium	Same	7440-41-7	P015
Beryllium compounds, N.O.S. *	-----	-----	----
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3,3-dimethoxy-	57-57-3	P018
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	----
Cacodylic acid	Arsinic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	----
Cadmium compounds, N.O.S. *	-----	-----	----
Calcium chromate calcium salt	Chromic acid H ₂ CrO ₄ ,	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN) ₂	592-01-8	P021
Carbon disulfide	Same	75-15-0	P022

Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetra	Methane, tetrachloro-chloride	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a- hexahydro-	57-74-9	U036
Chlordane (alpha and gamma isomers	-----	-----	U036
Chlorinated benzenes, N.O.S. *	-----	-----	----
Chlorinated ethane, N.O.S. *	-----	-----	----
Chlorinated fluorocarbons, N.O.S. *	-----	-----	----
Chlorinated naphthalene, N.O.S. *	-----	-----	----
Chlorinated phenol, N.O.S. *	-----	-----	----
Chlornaphazin	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetal	Acetaldehyde, chloro-dehyde	107-20-0	P023
Chloroalkyl ethers, N.O.S. *	-----	-----	----
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl	Methane, chloromethoxy-methyl ether	107-30-2	U046
beta-Chloro	Naphthalene, 2-chloro-naphthalene	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chloro phenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	----
3-Chloropropio nitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	----
Chromium compounds, N.O.S. *	-----	-----	----
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2,5-dimethoxyphenyl)azo]-	6358-53-8	----

Coal tar creosote	----	8007-45-2	----
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Creosote	Same	-----	U051
Cresol	Phenol, methyl-	1319-77-3	U052
(Cresylic acid)			
Crotonaldehyde	2-Butenal	4170-30-3	U053
Cyanides (soluble salts and complexes)	-----	-----	P030
N.O.S. *			
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide ⁵	06-68-3	U246
Cyanogen chloride	Cyanogen chloride CNCl	506-77-4	P033
Cycasin	beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl	14901-08-7	----
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D salts & esters	-----	-----	U240
Daunomycin	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxohexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	20830-81-3	U059
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene)bis[4-chloro-	72-55-9	----
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S- (2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	----
Dibenz[a,j]acridine	Same	224-42-0	----
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	----
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	----
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	----
Dibenzo[a,i]pyrene	Benzo[rst]pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066

Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S. *	Benzene, dichloro-	25321-22-6	----
3,3'-Dichloro benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodi fluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S. *	Dichloroethylene	25323-30-2	----
1,1-Dichloro ethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloro ethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxy ethane	Ethane, 1,1'-[methylenebis (oxy)]bis[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis[chloro-	542-88-1	P016
2,4-Dichloro phenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichloro phenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyl arsine	Arsonous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S. *	Propane, dichloro-	26638-19-7	----
Dichloropropanol, N.O.S. *	Propanol, dichloro-	26545-73-3	----
Dichloropropene, N.O.S. *	1-Propene, dichloro-	26952-23-8	----
1,3-Dichloro propene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7:3,6-Dimethanonaphth[2,3-b] oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-	60-57-1	P037
1,2:3,4-Di epoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
1,4-Diethylene oxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethyl hydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086

O,O-Diethyl S-methyl dithio phosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087
Diethyl-p-nitro phenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstil besterol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-(E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropyl fluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
3,3'-Dimethoxy	[1,1'-Biphenyl]-4,4'-diamine, benzidine 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylamino	Benzenamine, N,N-dimethyl-4-azobenzene(phenylazo)-	60-11-7	U093
7,12-Dimethyl benz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethyl	[1,1'-Biphenyl]-4,4'-diamine, benzidine 3,3'-dimethyl-	119-93-7	U095
Dimethylcar	Carbamic chloride, dimethylbamoyl chloride	79-44-7	U097
1,1-Dimethyl	Hydrazine, 1,1-dimethylhydrazine	57-14-7	U098
1,2-Dimethyl hydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
alpha,alpha-Dimethylphenethylamine	Benzeneethanamine, alpha, alpha-dimethyl-	122-09-8	P046
2,4-Dimethyl phenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103
Dinitrobenzene, N.O.S. *	Benzene, dinitro-	25154-54-5	----
4,6-Dinitro-ocresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-ocresol salts	-----	-----	P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitro toluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitro toluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl	1,2-Benzenedicarboxylic acid,	117-84-0	U107

phthalate	dioctyl ester		
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	----
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
Di-n-propyl nitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
DithiobiuretT	hioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH	541-53-7	P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	115-29-7	P050
Endothall	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-	72-20-8	P051
Endrin metabolites	-----	-----	P051
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	U041
Epinephrine	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-	51-43-4	P042
Ethyl carbamate	Carbamic acid, ethyl ester (urethane)	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebis dithiocarbamic acid	Carbamodithioic acid, 1,2-ethanediylbis-acid	111-54-6	U114
Ethylenebis dithiocarbamic acid, salts & esters	-----	-----	U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methane sulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Famphur	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester	52-85-7	P097

Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formic acid	Same	64-18-6	U123
Glycidylaldehyde	Oxiranecarboxyaldehyde	765-34-4	U126
Halomethanes, N.O.S. *	-----	-----	-----
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2-b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aalpha,1bbeta,2alpha,5alpha,5abeta,6beta,6aalpha)-	1024-57-3	----
Heptachlor epoxide (alpha, beta, & gamma isomers)	-----	-----	----
Hexachloro benzene	Benzene, hexachloro-	118-74-1	U127
Hexachloro butadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachloro cyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130
Hexachlorodi benzo-p-dioxins	-----	-----	----
Hexachlorodi benzofurans	-----	-----	-----
Hexachloro ethane	Ethane, hexachloro-	67-72-1	U131
Hexachloro phene	Phenol, 2,2'-methylenebis[3,4,6-trichloro-	70-30-4	U132
Hexachloro propene	1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	U243
Hexaethyl tetra phosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H ₂ S	7783-06-4	U135
Indeno[1,2,3-cd] pyrene	Same	193-39-5	U137
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-	465-73-6	P060
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141

Kepone	1,3,4-Metheno-2H-cyclobuta [cd]pentalen-2-one, 1,1a,3,3a, 4,5,5,5a,5b,6-decachloro octahydro-	143-50-0	U142
Lasiocarpine	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1- methoxyethyl)-3-methyl-1-oxo butoxy]methyl]-2,3,5,7a- tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7 (2S * , 3R *),7aalpha]]-	303-34-1	U143
Lead	Same	7439-92-1	----
Lead compounds, N.O.S. *	-----	-----	----
Lead acetate	Acetic acid, lead(2+) salt	301-04-2	U144
Lead phosphate	Phosphoric acid, lead(2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O) tetrahydroxytri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6- hexachloro-, (1alpha,2alpha, 3beta,4alpha,5alpha,6beta)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148
Malononitrile	Propanedinitrile	109-77-3	U149
Melphalan	L-Phenylalanine, 4-[bis(2- chloroethyl)amino]-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S. *	-----	-----	----
Mercury fulminate	Fulminic acid, mercury(2+) salt	628-86-4	P065
Methacrylo nitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2-Ethanediamine, N,N- dimethyl-N'-2-pyridinyl-N'- (2-thienylmethyl)-	91-80-5	U155
Methomyl	Ethanimidothioic acid, N- [[[(methylamino)carbonyl]oxy]-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-tri chloroethylidene) bis[4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methyl chloro carbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylchol anthrene	Benz[j]aceanthrylene, 1,2- dihydro-3-methyl-	56-49-5	U157
4,4'-Methylene bis(2-chloro aniline)	Benzenamine, 4,4'-methylene bis[2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene	Methane, dichloro-	75-09-2	U080

chloride			
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl iso cyanate	Methane, isocyanato-	624-83-9	P064
2-Methyl lacto nitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl meth acrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methane sulfonate	Methanesulfonic acid, methyl ester	66-27-3	----
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Mitomycin C	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7- dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balph)]-	50-07-7	U010
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis[2-chloro-	505-60-2	----
Naphthalene	Same	91-20-3	U165
1,4-Naphtho quinone	1,4-Naphthalenedione	130-15-4	U166
alpha-Naphthyl amine	1-Naphthalenamine	134-32-7	U167
beta-Naphthyl amine	2-Naphthalenamine	91-59-8	U168
alpha-Naphthyl thiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	----
Nickel compounds, N.O.S. *	-----	-----	----
Nickel carbonyl	Nickel carbonyl Ni(CO) ₄ , (T-4)-	13463-39-3	P073
Nickel cyanide	Nickel cyanide Ni(CN) ₂	557-19-7	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts	-----	-----	P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-6	P077
Nitrobenzene	Benzene, nitro-	98-95-3	U169
Nitrogen dioxide	Nitrogen oxide NO ₂	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	----
Nitrogen mustard, hydrochloride	N-oxide	-----	----

salt			
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	----
Nitrogen mustard, hydrochloride salt	-----	-----	----
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7	U170
2-Nitropropane	Propane, 2-nitro-	79-46-9	U171
Nitrosamines, N.O.S. *	-----	35576-91-10	----
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino) bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethyl ethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	----
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethyl vinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	----
N-Nitrososonicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	----
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	----
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octamethylpyrophosphoramidate	Diphosphoramidate, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO ₄ , (T-4)-	20816-12-0	P087
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins	-----	-----	----
Pentachlorodibenzofurans	-----	-----	----
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184

Pentachloro= nitrobenzne (PCNB)	Benzene, pentachloronitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	see F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	----
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S. *	-----	-----	----
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls N.O.S. *	-----	-----	----
Potassium cyanide	Potassium cyanide K(CN)	151-50-8	P098
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	506-61-6	P099
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	1107-19-7	P102
Propylene	Propane, 1,2-dichloro-dichloride	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	----
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Saccharin	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	81-07-2	U202
Saccharin salts	-----	-----	U202
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	----
Selenium compounds, N.O.S. *	-----	-----	----
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS ₂	7488-56-4	U205

Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	----
Silver compounds, N.O.S. *	-----	-----	----
Silver cyanide	Silver cyanide Ag(CN)	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5- trichlorophenoxy)-	93-72-1	see F027
Sodium cyanide	Sodium cyanide Na(CN)	143-33-9	P106
Streptozotocin	D-Glucose, 2-deoxy-2- [[[(methylnitrosoamino) carbonyl]amino]-	18883-66-4	U206
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts	-----	-----	P108
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	----
1,2,4,5-Tetra chlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodi benzo-p-dioxins	-----	-----	----
Tetrachlorodi benzofurans	-----	-----	----
Tetrachloro ethane, N.O.S. *	Ethane, tetrachloro-, N.O.S.	25322-20-7	----
1,1,1,2-Tetra chloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetra chloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloro ethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetra chlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	see F027
Tetraethyl di thiopyrophos phate	Thiodiphosphoric acid, teraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethyl pyro phosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	----
Thallium compounds, N.O.S. *	-----	-----	----
Thallic oxide	Thallium oxide Tl ₂ O ₃	1314-32-5	P113
Thallium(I) acetate	Acetic acid, thallium(1+) salt	563-68-8	U214
Thallium(I) carbonate	Carbonic acid, dithallium(1+) salt	6533-73-9	U215
Thallium(I) chloride	Thallium chloride TlCl	7791-12-0	U216
Thallium(I) nitrate	Nitric acid, thallium(1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium(1+) salt	12039-52-0	P114
Thallium(I) sulfate	Sulfuric acid, dithallium(1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiofanox	2-Butanone, 3,3-dimethyl-1-	39196-18-4	P045

	(methylthio)-, O-[(methylamino)carbonyl] oxime		
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	U219
Thiram	Thioperoxydicarbonic diamide [H ₂ N)C(S)] ₂ S ₂ , tetramethyl-	137-26-8	U244
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	----
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	----
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	----
Toluene diiso cyanate	Benzene, 1,3-diisocyanato methyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
1,2,4-Trichloro benzene	Benzene, 1,2,4-trichloro-	120-82-1	----
1,1,2-Trichloro ethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloro ethylene	Ethene, trichloro-	79-01-6	U228
Trichloro methanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromono fluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichloro phenol	Phenol, 2,4,5-trichloro-	95-95-4	see F027
2,4,6-Trichloro phenol	Phenol, 2,4,6-trichloro-	88-06-2	see F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	see F027
Trichloro propane, N.O.S. *	-----	25735-29-9	----
1,2,3-Trichloro propane	Propane, 1,2,3-trichloro-	96-18-4	----
O,O,O-Triethyl phosphoro thioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	----
1,3,5-Trinitro benzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziri danyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	----
Tris(2,3-di bromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl	72-57-1	U236

Uracil mustard	[1,1'-biphenyl]-4,4'-diyl) bis(azo)]bis[5-amino-4- hydroxy-, tetrasodium salt 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pent oxide	Vanadium oxide V ₂ O ₅	1314-62-1	P120
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1- phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1- phenylbutyl)-, when present at concentrations greater than 0.3%		P001
Warfarin salts	when present at concentrations less than 0.3%	-----	U248
Warfarin salts	when present at concentrations greater than 0.3%	-----	P001
Zinc cyanide	Zinc cyanide Zn(CN) ₂	557-21-1	P121
Zinc phosphide	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10%	1314-84-7	P122
Zinc phosphide	Zinc phosphide, Zn ₃ P ₂ , when present at concentrations of 10% less		U249

* The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this appendix.

30.161: Ground Water Monitoring List

Appendix IX of 40 CFR Part 264, as in effect on July 1, 1996, is hereby adopted and incorporated by reference.

30.162: Bases for Listing

Appendix VII of 40 CFR Part 261 is hereby adopted and incorporated by reference.

30.200: PROVISIONS FOR RECYCLABLE MATERIALS AND FOR WASTE OIL

30.201: Applicability

(1) 310 CMR 30.201 through 30.299, cited collectively as 310 CMR 30.200, are intended to protect public health, safety, and welfare, and the environment, by regulating the handling of waste oil, and of other materials which would be hazardous wastes if they were disposed of, or stored or treated prior to being disposed of. 310 CMR 30.200 applies to materials that would be hazardous wastes if

disposed of, but are recycled in compliance with 310 CMR 30.200 instead of being disposed of. 310 CMR 30.200 does not apply to non-hazardous materials being recycled. Except as provided in 310 CMR 30.201, 30.211, and 30.250, 310 CMR 30.200 does not apply to the disposal of hazardous waste, or to the accumulation, storage, or treatment of hazardous waste prior to being disposed of (such activities are regulated elsewhere in 310 CMR 30.000). 310 CMR 30.200 does not apply to inherently waste-like materials even when such materials are recycled.

(2) 310 CMR 30.200 is promulgated pursuant to the authority set forth in 310 CMR 30.001. With respect to recyclable material, 310 CMR 30.200 is also promulgated pursuant to the authority given by M.G.L. c. 21C, § 4 to waive regulation where there is no significant potential hazard to the public health, safety, or welfare, or the environment. If an action is taken with respect to recyclable material which is consistent with 310 CMR 30.200 but creates a significant potential hazard to public health, safety, or welfare, or the environment, 310 CMR 30.200 shall cease to be applicable to that action, and that action shall be subject to all other provisions of 310 CMR 30.000.

30.202: Other Applicable Provisions

(1) Unless specifically exempted, all activities regulated by 310 CMR 30.200 shall also be subject to, and shall be done in compliance with, 310 CMR 30.001 through 30.064, 30.100 through 30.199, 30.303, 30.351(1) and (2), 30.353(1) and (2).

(2) Except as provided in 310 CMR 30.202(3) and 310 CMR 30.271(4), all materials that are subject to management in compliance with a recycling permit issued pursuant to 310 CMR 30.200 are subject to and shall be managed in compliance with, 310 CMR 30.001 through 30.064, 30.100 through 30.199, 30.200 [including, without limitation, 310 CMR 30.202(1)], 30.303, the conditions of the permit, and no other provisions of 310 CMR 30.000 not specifically stated as conditions. The Department may issue a permit pursuant to 310 CMR 30.200, and allow a permit issued pursuant to 310 CMR 30.200 to remain in effect, only to the extent, and only while, the Department is persuaded that such action would not lead to a significant potential hazard to public health, safety, or welfare, or the environment, or be in noncompliance with 310 CMR 30.200. In addition to any permit conditions required pursuant to 310 CMR 30.200, the Department may impose any other conditions that the Department determines may be appropriate to assure that the activity authorized by the Department does not and will not constitute a significant potential hazard to public health, safety, or welfare, or the environment.

(3) Notwithstanding the provisions of 310 CMR 30.202(2), if any material subject to management in compliance with a recycling permit issued pursuant to 310 CMR 30.200 is managed in a way that is not in compliance with 310 CMR 30.200 or any condition of the permit, the material is subject to all provisions of 310 CMR 30.000.

(4) Recyclable material managed in a Completely Enclosed Recycling System that is directly connected via pipes or the equivalent to an industrial production process is not subject to 310 CMR 30.200, or any other provision of 310 CMR 30.000, provided that:

(a) only accumulation in tanks is involved, and the entire process through completion of reclamation is closed by means of being entirely connected with pipes or other comparable closed means of conveyance;

- (b) reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
- (c) the secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and,
- (d) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(5) The following materials are not subject to 310 CMR 30.200, or any other provision of 310 CMR 30.000:

- (a) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated in a manner that constitutes speculative accumulation.
- (b) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated in a manner that constitutes speculative accumulation.
- (c) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- (d) Whole used circuit boards being recycled provided they are free of mercury switches, mercury relays, nickel-cadmium batteries, or lithium batteries.
- (e) Shredded circuit boards being recycled provided that they are:
 - 1. managed in containers sufficient to prevent a release to the environment prior to recovery; and,
 - 2. free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- (f) Bulk scrap metal items being recycled.

30.203: Signatories

All permit applications and all permits issued pursuant to 310 CMR 30.200 shall be signed as follows:

- (1) If the applicant is a corporation, by an individual who is a responsible corporate officer of the corporation and who is authorized by the corporation, in accordance with corporate procedures, to sign such documents on behalf of the corporation. As used in 310 CMR 30.203, "responsible corporate officer" shall mean a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other individual who performs for the corporation policy-making or decision-making functions similar to those performed by a president, secretary, treasurer, or vice-president.
- (2) If the applicant is a partnership, by a general partner.
- (3) If the applicant is a sole proprietorship, by the proprietor.
- (4) If the applicant is a municipality or public agency, by a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

30.204: Requirements for All Applications for Recycling Permits

All applications for recycling permits pursuant to 310 CMR 30.200 shall include at least the following:

- (1) The name, address, and EPA identification number, as required by 310 CMR 30.061, or state designated identification number, if applicable, of the applicant.
- (2) The name and telephone number of an individual responsible for supervising the permitted activity.
- (3) A description of the material to be recycled, including waste code.
- (4) A description of the recycling activity, including the estimated quantity to be recycled annually.
- (5) A description of the management and other procedures to be used to prevent speculative accumulation.
- (6) If the material is to be stored prior to recycling, a complete description of the storage facility.
- (7) A signature pursuant to 310 CMR 30.203, certified pursuant to 310 CMR 30.009.
- (8) Such other information as the Department may require to determine that the proposed activity will be in compliance with 310 CMR 30.200 and will not constitute a significant potential hazard to the public health, safety, or welfare, or the environment.
- (9) If the applicant generates the material to be recycled, a statement that the applicant has evaluated whether there are opportunities to reduce or prevent the generation of the material to be recycled. In addition, a statement that the applicant has read and followed the guidance pertaining to toxics use reduction provided with the Department application.

30.205: General Conditions for All Recycling Permits

The following conditions shall apply to all permits issued pursuant to 310 CMR 30.200, regardless of whether or not such conditions are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

- (1) Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, 310 CMR 30.000, M.G.L. c. 21C, and all other applicable State and Federal statutes and regulations.
- (2) Duty to Maintain. The permittee shall always properly operate and maintain all facilities, equipment, control systems, and vehicles which the permittee installs or uses.

- (3) Duty to Halt or Reduce Activity. The permittee shall halt or reduce activity whenever necessary to maintain compliance with 310 CMR 30.200 or the permit conditions, or to prevent an actual or potential threat to public health, safety, or welfare, or the environment.
- (4) Duty to Mitigate. The permittee shall remedy and shall act to prevent all potential and actual adverse impacts to persons and the environment resulting from noncompliance with the terms and conditions of the permit. The permittee shall repair at his own expense all damages caused by such noncompliance.
- (5) Duty to Provide Information. The permittee shall provide the Department, within a reasonable time, any information which the Department may request and which is deemed by the Department to be relevant in determining whether a cause exists to modify, revoke, or suspend a permit, or to determine whether the permittee is complying with the terms and conditions of the permit.
- (6) Entries and Inspections. The permittee shall allow personnel or other authorized agents of the Department or authorized EPA representatives, upon presentation of credentials or other documents as may be required by law, to:
- (a) Enter at all reasonable times any premises, public or private, for the purposes of investigating, sampling or inspecting any records, condition, equipment, practice, or property relating to activities subject to M.G.L. c. 21C, or RCRA, as amended; and
 - (b) Enter at any time such premises for the purpose of protecting the public health, safety or welfare, or the environment; and
 - (c) Have access to and copy at all reasonable times all records that are required to be kept pursuant to the conditions of the permit, and all other records relevant to the permittee's hazardous waste activity or to the permittee's activity involving regulated recyclable material.
- (7) Records.
- (a) All records and copies of all applications, reports, and other documents required by 310 CMR 30.200 shall be kept by the permittee for at least three years from the expiration of the permit or, for persons recycling Class A regulated recyclable materials in compliance with applicable performance standards, all records and documents shall be kept for at least three years from the date on which each batch of the material is completely recycled on-site or the date on which each batch of the material is sent offsite for recycling. This three-year period may be extended by order of the Department for the duration of any enforcement action. All record-keeping shall be in compliance with 310 CMR 30.007.
 - (b) All persons who claim that a material is subject to 310 CMR 30.200 shall retain documentation establishing that there is a known market for the recycled material and that the material is or will be recycled.
 - 1. A person who recycles materials generated on-site shall retain documentation that the recycling of materials yields a material that is within a specification range acceptable for use as a product.
 - 2. A person who sends materials destined for recycling to an off-site facility shall retain records regarding the capability of the off-site facility to conduct recycling, including that the recycling yields a material that is within a specification range acceptable for use as a product and that the materials sent to the facility have in fact been recycled.

3. A person who accepts materials for recycling from off-site sources shall retain records regarding its capability to conduct recycling, including that the recycling yields a material that is within a specification range acceptable for use as a product and that the materials have in fact been recycled.

(8) Continuing Duty to Inform. The permittee shall have a continuing duty to immediately:

- (a) correct any incorrect facts in an application; and
- (b) report or provide any omitted facts which should have been submitted; and
- (c) in advance, report to the Department each planned change in the permitted facility or activity which might result in noncompliance with 310 CMR 30.200 or with a term or condition of the permit; and
- (d) report to the Department any cessation of the permitted activity.

(9) Preventing and Reporting Releases Into the Environment. No materials that are to be recycled shall be intentionally released into the environment or otherwise disposed of within Massachusetts except in full compliance with all applicable provisions of 310 CMR 30.000. All accidental releases of recyclable material shall be immediately reported to the Department and to all other persons to whom such releases must be reported pursuant to State or Federal laws or regulations.

(10) Compliance with the Application and the Terms of the Permit. Except where 310 CMR 30.200 or other conditions of the permit provide otherwise, the materials that are to be recycled shall be recycled in the manner described in the application for the permit and in no other manner, and in compliance with all conditions of the permit. There shall be no change in the procedure of recycling without the prior express written approval of the Department for those permittees whose activities require a written permit. For those permittees whose activities do not require a written permit, a written notification to the Department is required.

(11) Transportation of Recyclable Material. Unless otherwise specified, all transportation of recyclable material, and preparation of all recyclable material for transportation, shall be in full compliance with all DOT and other Federal regulations, and all State regulations, governing the transportation of hazardous materials.

(12) Annual Reporting. All permittees shall submit an annual report, on a form prescribed by the Department, covering all recyclable material they handle. Each annual report shall be submitted to the Department no later than March 1 for the preceding calendar year. The report shall include, at a minimum, the following information:

- (a) The EPA identification number, or state-only identification number, of the permittee; and
- (b) The name, address, and EPA identification number, or state-only identification number, of the facility to which recyclable material was sent; and
- (c) Identification of all recyclable material recycled by the permittee. Such identification shall include the EPA listed name or description, the EPA hazardous waste number, the DOT hazard class, the amount of material recycled; and

- (d) Identification of all recyclable material shipped to off-site facilities. Such identification shall include the EPA listed name or description, the EPA hazardous waste number, the DOT hazard class, the amount of recyclable material transported, and the facility to which it was transported; and
 - (e) The name and EPA identification number of the transporters used.
- (13) Dust Suppression and Road Treatment. The use of regulated recyclable material for dust suppression or road treatment is prohibited. The provisions set forth in 310 CMR 30.205(9) shall apply to such activity.
- (14) Speculative Accumulation. Speculative accumulation is prohibited. The permittee shall make and keep records that will adequately demonstrate that no speculative accumulation, as defined in 310 CMR 30.010, has occurred. Such records shall include, but not be limited to, the following:
- (a) records showing the amount of material being accumulated or stored at the beginning of the calendar year;
 - (b) records showing the amount of material received and generated during the calendar year;
 - (c) records showing the amount of material being accumulated or stored at the end of the calendar year; and,
 - (d) records showing the amount of material that is recycled on-site, and/or that is transferred to a different site for recycling.
- (15) Personnel Training. The permittee shall instruct, or give on-the-job training to, personnel involved in any activity authorized by the permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of the permit and to carry out the authorized activity in a manner that is not hazardous to public health, safety, or welfare, or the environment.
- (16) Emergency Prevention and Response. The permittee shall plan and prepare for fires, explosions, or other occurrences that might result in release of oil or hazardous materials to the environment or otherwise constitute a potential hazard to public health, safety, or welfare, or the environment. Without limiting the generality of the foregoing, if the permit authorizes the operation of a recycling facility, the design and operation of the recycling facility shall be in compliance with the requirements set forth in 310 CMR 30.341(1)(e)1.
- (17) Transfer of Permits. Each permit issued pursuant to 310 CMR 30.200 shall be valid only for the person to whom it is issued and may not be transferred. Operation by an owner or operator other than those named in the permit shall be in violation of 310 CMR 30.000, and a basis for suspension or revocation of the permit, or for other enforcement action.
- (18) Permit Expiration. Permits issued pursuant to 310 CMR 30.200 are in effect for a period of up to five years from the date of issuance. To continue the specified activity beyond this five year period, the permittee must reapply for a permit during the effective period of the existing permit. If the permittee wishes to engage in an activity different from the one specified in the permit, the permittee must receive a permit for the new activity prior to engaging in that activity.

(19) Storage and Accumulation in Tanks and Containers. Regulated recyclable materials shall be stored or accumulated only in tanks or containers. Generators of regulated recyclable materials that are waste oil or used oil fuel shall comply with applicable container and tank requirements in 310 CMR 30.253. Generators of all other regulated recyclable materials shall comply with applicable container and tank requirements in 310 CMR 30.340 (for large quantity generators), 30.351 (small quantity generators), or 30.353 (very small quantity generators), respectively. Each tank or container in which regulated recyclable material is being accumulated or stored and each outside container into which small containers are packed shall be clearly marked and labeled throughout the period of accumulation or storage with the following:

- (a) The words "Regulated Recyclable Material";
- (b) The regulated recyclable material(s) identified in words (*e.g.*, acetone, toluene);
- (c) The type of hazard(s) associated with the material(s) indicated in words (*e.g.*, ignitable, toxic, dangerous when wet);
- (d) The date upon which each period of accumulation or storage begins, marked on each tank or container at the time accumulation or storage begins in that tank or container, except that tanks containing regulated recyclable materials to be lawfully recycled are exempt from dating requirements if hard-piped and integrally connected to a used oil fired space heater. Marks and labels shall be placed on the sides of each tank or container in such a manner that they are clearly visible for inspection.

30.206: Additional General Permit Conditions for Recyclers Who Receive Regulated Recyclable Materials From Offsite

The following additional conditions shall apply to each permit issued pursuant to 310 CMR 30.200 for recyclers who receive regulated recyclable materials from offsite regardless of whether or not such conditions are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

(1) Security. The design and operation of the recycling facility shall be in compliance with the requirements set forth in 310 CMR 30.514 or with general security standards of equivalent stringency.

(2) Inspections. The permittee shall inspect the recycling facility and remedy malfunctions in compliance with requirements set forth in 310 CMR 30.515(1)(a) and (b).

(3) Wastewater Treatment Units. If a wastewater treatment unit is part of the recycling activity for which the permit is issued, such wastewater treatment unit shall be in compliance with the requirements set forth or referred to in 310 CMR 30.605.

30.210: General Provisions for Classifying and Handling Waste Oil and Regulated Recyclable Materials

310 CMR 30.210 through 30.219, cited collectively as 310 CMR 30.210, set forth the various classifications of waste oil and of regulated recyclable materials, and set forth general requirements for the handling of regulated recyclable materials.

30.211: Handling Regulated Recyclable Material

Regulated recyclable materials that are recycled and otherwise handled in compliance with 310 CMR 30.200 and the conditions of the relevant recycling permit are subject to 310 CMR 30.200 and the conditions of the relevant recycling permit, and are not subject to any other requirements. Regulated recyclable materials that are not recycled or otherwise handled in compliance with 310 CMR 30.200 and the conditions of the relevant recycling permit

(1) are hazardous wastes, and

(2) shall not be subject to any provisions of 310 CMR 30.200 except for 310 CMR 30.201, 30.211, 30.221, 30.231, 30.241, 30.251, 30.261, 30.271 and 30.291, and

(3) shall be accumulated, collected, transported, stored, treated, and disposed of in compliance with all the requirements of 310 CMR 30.000 other than 310 CMR 30.200.

30.212: Class A Regulated Recyclable Materials

Class A regulated recyclable materials are those regulated recyclable materials that, because of some inherent property of the materials, or because of some inherent property of the recycling process, or because the conditions of the recycling are such as to motivate the recycler to manage the recycling with minimum hazard to public health, safety, and welfare, and the environment, have been determined by the Department to require a degree of regulation sufficiently stringent to protect public health, safety, and welfare, and the environment, from any significant potential hazard, but not so stringent as to discourage the recycling of these materials as a socially and environmentally desirable alternative to disposal. The following are Class A recyclable materials:

(1) Those regulated recyclable materials that are neither used in a manner constituting disposal nor burned for energy recovery nor accumulated speculatively and are either:

- (a) used or reused as ingredients in an industrial process to make a product, provided that the materials are not being reclaimed; or
- (b) used or reused as substitutes for commercial products; or
- (c) generated onsite, removed from the original production process, and returned as substitutes for feedstock in the original production process without being reclaimed.

(2) Industrial ethyl alcohol that is reused or reclaimed; however, persons initiating a shipment for reclamation in a foreign country, and any intermediary arranging for such a shipment shall also comply with the requirements of 40 CFR 261.6(a)(3)(i)(A) and transporters transporting such a shipment for export shall comply with 40 CFR 261.6(a)(3)(i)(B), as in effect on July 1, 2001, and which are adopted with the following additions, modifications and exceptions:

- (a) The following text is added after “262.57”: “as adopted at 310 CMR 30.361”.
- (b) The following text is added after “subpart E of part 262”: “as adopted at 310 CMR 30.361”.
- (3) Scrap metal not otherwise excluded at 310 CMR 30.202(5).
- (4) Used oil fuel burned at the site of generation for energy recovery in a used oil fuel fired space heater and in compliance with the applicable provisions of 310 CMR 30.222 and 30.256.
- (5) A sludge having the characteristics of a hazardous waste when being reclaimed.
- (6) A by-product having the characteristics of a hazardous waste when being reclaimed.
- (7) A commercial chemical product listed in 310 CMR 30.133 or 30.136, or that exhibits a hazardous waste characteristic described at 310 CMR 30.120, which has never been used and which is being reclaimed.
- (8) Waste oil, including but not limited to waste oil that has the characteristics of a hazardous waste and is not hazardous waste fuel, if recycled in some other manner than being burned for energy recovery.
- (9) Specification used oil fuel burned for energy recovery in a fossil fuel utilization facility other than a used oil fuel fired space heater, and otherwise handled in compliance with 310 CMR 30.250.
- (10) A material recycled in a completely enclosed recycling system at the site of generation (e.g., stills, silver recovery units), except such material recycled at a photo processor subject to 310 CMR 71.00, and except such material recycled at a printer subject to 310 CMR 71.00, provided:
 - (a) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators); and
 - (b) The reclaimed material is not used to produce:
 - 1. a fuel, including a hazardous waste fuel, or
 - 2. products that are used in a manner constituting disposal.

30.213: Class B Regulated Recyclable Materials

Class B regulated recyclable materials are those regulated recyclable materials which have been determined by the Department to require some specific management practices in order to be recycled or otherwise managed without constituting a significant potential hazard to the public health, safety, or welfare, or the environment. The following are Class B regulated recyclable materials:

- (1) Class B(1) - regulated recyclable materials that are not intended to be, and are not, used for the production of heat or power by burning, and that are

intended to be, or that are, used in a manner constituting disposal. See 310 CMR 30.010, “Use constituting disposal”.

(2) Class B(2) - hazardous waste fuels that are intended to be, and that are, used for the production of heat or power by burning.

(3) Class B(3) - used oil fuels that are intended to be, and that are, used for the production of heat or power by burning.

(4) Class B(4) - Spent materials and hazardous wastes that are listed in 310 CMR 30.131 or 30.132 or that are characteristic for D011 pursuant to 310 CMR 30.125(B), and that have an economically recoverable quantity of precious metals. For purposes of implementing 310 CMR 30.000, quantities of precious metals are "economically recoverable" only if the person generating the material containing the precious metals can obtain greater economic benefit by recovering the precious metals than by causing the material to be handled in any other way.

(5) Class B(5) - Spent lead-acid batteries that are intended to be, and that are, reclaimed for recovery of lead.

30.214: Class C Regulated Recyclable Materials

Class C regulated recyclable materials are those regulated recyclable materials which are neither Class A nor Class B. Table 30.214 sets forth some specific examples of Class C regulated recyclable materials.

Table 310 CMR 30.214 - Examples of Class Designations

Type of material being recycled	What happens to the material	
	Burned or used in a manner constituting disposal	Reclaimed
Spent material	B	C(1)(2)(3)
Sludge listed in 310 CMR 30.131 or 30.132	B	C(2)
Sludge which is hazardous pursuant to 310 CMR 30.120 through 30.125	B	A
By-product listed in 310 CMR 30.131 or 30.132	B	C(1)(2)
By-product which is hazardous pursuant to 310 CMR 30.120 through 30.125	B	A
Commercial chemical product listed in 310 CMR 30.133 or 30.136	B	A

Scrap metal

A

A(4)

- Notes: (1) Except that industrial ethyl alcohol is Class A unless provided otherwise by 40 CFR 261.6(a)(3)(i) as adopted and amended at 310 CMR 30.212(2).
(2) Except that materials with precious metal are Class B.
(3) Except that lead-acid batteries sent for reclamation are Class B
(4) Except that certain scrap metal is excluded pursuant to 310 CMR 30.202(5).

30.215: Distinguishing Waste Oil that is Used Oil Fuel from Waste Oil that is Not Used Oil Fuel

(1) Any batch or lot of waste oil that is not used oil fuel is either hazardous waste fuel, used waste oil, or unused waste oil. Unless and until the Department is persuaded otherwise pursuant to the application and permitting requirements set forth in 310 CMR 30.250, a batch or lot of waste oil shall be presumed to be mixed with hazardous waste, and therefore not used oil fuel, if:

(a) The waste oil is "transformer oil", i.e. oil that has been used in a transformer, capacitor, switch, or other electrical device for insulation or heat transfer purposes. Transformer oil shall be presumed to be mixed with PCBs in concentrations equal to or exceeding 50 parts per million unless and until the Department is persuaded otherwise pursuant to the application and permitting requirements set forth in 310 CMR 30.250.

(b) The waste oil contains 1,000 or more parts per million of total halogens, in which case the waste oil shall be presumed to be a mixture of oil and halogenated hazardous wastes unless and until the Department is persuaded, pursuant to the application and permitting requirements set forth in 310 CMR 30.250, that the waste oil contains no halogenated constituent listed in 310 CMR 30.160 in a significant amount.

(2) In any event, the Department may deem any particular batch or lot of used oil fuel to be hazardous waste, and make that material subject to all applicable provisions of 310 CMR 30.000 other than 310 CMR 30.200, if the Department determines that such action is necessary or appropriate to protect public health, safety, or welfare, or the environment.

30.216: Distinguishing Specification Used Oil Fuel from Off-Specification Used Oil Fuel

Any waste oil, and any mixture of waste oil with any other material, that is used oil fuel is either specification used oil fuel or off-specification used oil fuel. If used oil fuel does not exceed the allowable level of any constituent or property as set forth in Table 310 CMR 30.216, such used oil fuel is specification used oil fuel. If used oil fuel does exceed the allowable level of any constituent or property as set forth in Table 310 CMR 30.216, such used oil fuel is off-specification used oil fuel.

Table 310 CMR 30.216

<u>Constituent or Property</u>	<u>Allowable Level</u>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100°F minimum
Total Halogens	4,000 ppm maximum *

[* see also 310 CMR 30.215(1)(b)]

30.220: Requirements Governing Class A Regulated Recyclable Materials

310 CMR 30.220 through 30.229, cited collectively as 310 CMR 30.220, sets forth: standards for handling Class A regulated recyclable materials; the procedures for obtaining a permit to recycle Class A regulated recyclable materials and the conditions for such permits; as well as the performance standards for certain categories of Class A materials for which a permit is not required.

30.221 General Provisions

- (1) No person shall recycle Class A regulated recyclable material except in compliance with 310 CMR 30.200.
- (2) Table 310 CMR 30.221 identifies the permit and approval categories for Class A Regulated Recyclable Materials.
- (3) Recycling of Class A regulated recyclable material shall be done in compliance with the applicable permitting requirements of 310 CMR 30.220 or, for those activities specifically excluded from permitting in 310 CMR 30.221(3)(a), the performance standards described at 30.222.
 - (a) Class A recycling activities for which a recycling permit need not be obtained are as follows:
 1. The recycling of Class A regulated recyclable materials at the site of generation;
 2. The shipment off the site of generation for recycling within any calendar month of 100 kg or less of Class A regulated recyclable materials by a Very Small Quantity Generator of regulated recyclable material, excluding acutely hazardous regulated recyclable material, provided that material is managed in compliance with the requirements described at 30.222(4)(b); and
 3. The onsite recovery of silver from wastewater at the site of generation, provided such recycling is done in compliance with the Environmental Results Program regulations, 310 CMR 71.00.
- (4) Class A regulated recyclable materials recycled in compliance with 310 CMR 30.200 are not included or counted in the determination of rate of hazardous waste generation and accumulation and corresponding hazardous waste generator status, however, such materials must be included and counted to determine a generators corresponding Class A RRM status.

Table 310 CMR 30.221
Approval Categories for Class A Recyclers

Citation	Description	Generator recycles onsite	Generator sends off-site for recycling more than 100 kg/mo Class A regulated recyclable materials*	Receiver of regulated recyclable materials
30.212				
(1) (a)	Used or reused as an ingredient in a product without reclamation	PS	N	N
(1) (b)	Substitute for commercial product being reclaimed	PS	N	N
(1) (c)	Substitute for feedstock in original process without reclamation	PS	N/A	N/A
(2)	Industrial Ethyl Alcohol being reclaimed	PS	N	N
(3)	Scrap metal that would be hazardous if disposed of.	PS	N	P
(4)	Used oil fuel burned at the site of generation for energy recovery in a used oil fuel fired space heater in compliance with 310 CMR 30.222 and 30.256.	PS	N/A	N/A
(5)	Characteristic sludge being reclaimed	PS	N	P
(6)	Characteristic by-product being reclaimed	PS	N	P
(7)	Unused commercial chemical product being reclaimed	PS	N	P
(8)	Waste oil recycled by other than burning for energy recovery	PS	N	P
(9)	Specification used oil fuel burned for energy recovery in a fossil fuel utilization facility other than a used oil fuel fired space heater and otherwise handled in compliance with 310 CMR 30.250	PS	N	N
(10)	Material recycled in a completely enclosed recycling system at site of generation, except such material recycled at a photo processor or a printer subject to 310 CMR 71.00 (e.g., stand-alone solvent stills, stand-alone silver recovery units).	PS	N/A	N/A

N/A -- Not Applicable

N -- 21 Day Presumptive Approval

P -- Written Permit

PS – Performance Standard

*VSQG shipments of 100 kg or less of Class A regulated recyclable materials, sent off-site for recycling within any calendar month, are specifically excluded from permitting. See 310 CMR 30.221(3)(a)(2).

30.222: Generator Standards

- (1) Except as otherwise specifically provided in 310 CMR 30.222 and 30.353 a generator of Class A regulated recyclable material may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to either
 - (a) a facility described in 310 CMR 30.305, or
 - (b) a facility that has a Class A permit pursuant to 310 CMR 30.220, or
 - (c) a facility outside of Massachusetts that is properly authorized under that state's applicable authority and is identified in the generator's Class A recycling permit to receive Class A regulated recyclable material from that generator pursuant to 310 CMR 30.224(3).
- (2) Except as otherwise specifically provided in 310 CMR 30.222 and 30.255, a generator of Class A regulated recyclable material may sell or otherwise transfer custody or possession of such material only to a transporter in compliance with 310 CMR 30.223.
- (3) A generator of material that the generator claims is specification used oil fuel shall not sell or otherwise transfer, or offer to sell or otherwise transfer, such material to any other person unless the generator:
 - (a) has ascertained, by appropriate analytical methods contained in EPA's Test Methods for Evaluating Solid Waste, SW-846, as incorporated by reference at 310 CMR 30.012, or by an equivalent method accepted by EPA, that it meets the conditions provided in 310 CMR 30.215 and the parameters provided in 310 CMR 30.216 for specification used oil fuel, and
 - (b) has kept documentation showing compliance with the requirements in 310 CMR 30.222(3)(a), and makes and keeps records for each batch or quantity of such material that is sold or otherwise transferred, stating for each such batch or quantity the name and address of the facility to which the material is sold or otherwise transferred, the quantity of such material sold or otherwise transferred, the date when the material was collected, and a cross-reference to the documentation described in 310 CMR 30.222(3)(b).
- (4) Very Small Quantity Generators of Class A regulated recyclable material excluded from Class A permit requirements at 310 CMR 30.221(3)(a)1.-30.221(3)(a)2. shall not accumulate at any one time 1000 kilograms or more of regulated recyclable material.
 - (a) Very Small Quantity Generators of Class A regulated recyclable material that recycle at the site of generation in accordance with 310 CMR 30.221(3)(a)1. shall also manage such regulated recyclable material in a manner which neither could nor does endanger public health, safety, or welfare or the environment, and in compliance with 310 CMR 30.222(5)(c), 30.222(5)(d)2., 30.222(5)(d)7., 30.222(5)(e), 30.222(5)(i) and the applicable performance standards at 310 CMR 30.222(6).
 - (b) For shipments off the site of generation of 100 kg or less of Class A regulated recyclable materials by Very Small Quantity Generators, excluded at 310 CMR 30.221(3)(a)2., the generator shall:
 1. keep, for a period of at least three years from the date of recycling:
 - a. a record from the recycling facility, certified pursuant to 310 CMR 30.009, that the materials were recycled in compliance with applicable State and Federal laws and regulations; and
 - b. a record of each shipment sent off-site that satisfies the requirements described at 310 CMR 30.223(4)(b).

2. accumulate the material prior to shipping in containers that are sealed, structurally sound, and labeled as a “Regulated Recyclable Material” and with the material identified with words and the type of hazard(s) associated with the material(s) indicated in words (*e.g.*, ignitable, toxic, dangerous when wet).

(5) General Performance Standards: A Small Quantity Generator or Large Quantity Generator of Class A regulated recyclable material exempt from Class A permit requirements at 310 CMR 30.221(3)(a)1. shall:

- (a) Notify and obtain a generator identification number in compliance with 310 CMR 30.061, unless the generator has previously notified and obtained a generator identification number;
- (b) Submit a one-time notification to the Department on a form prescribed by the Department prior to or upon commencing a Class A recycling operation, unless the generator has a valid Class A recycling permit for that recycling operation as of **[insert MA Register effective date]**;
- (c) Manage regulated recyclable materials that are not recycled or otherwise handled in compliance with 310 CMR 30.220 as hazardous wastes which shall be accumulated, collected, transported, stored, treated, and disposed of in compliance with all the requirements of 310 CMR 30.000 other than 310 CMR 30.200;
- (d) Comply with the following conditions cited in 310 CMR 30.205:
 - 1. Duty to provide information - 310 CMR 30.205(5);
 - 2. Record-keeping - 310 CMR 30.205(7), except that 30.205(7)(b) does not apply to used oil fuel fired space heaters;
 - 3. Preventing and reporting releases to the environment - 310 CMR 30.205(9);
 - 4. Speculative accumulation requirements - 310 CMR 30.205(14);
 - 5. Personnel training - 310 CMR 30.205(15);
 - 6. Emergency prevention - 310 CMR 30.205(16); and
 - 7. Storage and accumulation only in tanks and containers - 310 CMR 30.205(19), except that generators recycling silver-bearing Class A regulated recyclable material in stand-alone silver recovery units at the site of generation are subject to the tank and container requirements at 310 CMR 71.00.
- (e) Use, operate and maintain recycling units that are appropriately designed for the material being recycled in accordance with manufacturer’s recommended operating and maintenance procedures;
- (f) Retain documentation that any recycling unit used to recycle Class A regulated recyclable materials has been tested and listed in accordance with the applicable UL Standard or has been otherwise approved by or designed in accordance with the standards of any nationally recognized engineering organization or testing laboratory, as applicable;
- (g) Manage as a hazardous waste any residual material produced by recycling Class A RRM’s at the site of generation pursuant to 310 CMR 30.140(2)(b), if the residual is a listed waste or exhibits the characteristics of a hazardous waste;
- (h) Do not mix either regulated recyclable material or residual material produced by recycling Class A RRM’s at the site of generation with hazardous waste;
- (i) Maintain documentation that the material is a Class A regulated recyclable material described in 310 CMR 30.212 and that it would be a hazardous waste if discarded (see “Determination of Whether a Waste is a Hazardous Waste” at 310 CMR 30.302);

- (j) If reclaiming a Class A RRM at the site of generation, recover a useable product that meets commercial specifications for the product's intended use, and that requires no further reclamation prior to being used as a commercial ingredient in an on-site manufacturing process or being sold commercially.

[Note: 310 CMR 30.222(5)(j) applies to categories of Class A Regulated Recyclable Materials defined in 310 CMR 30.212 (2), (5)-(8) and (10), provided that, for solvents recycled at the site of generation in stand-alone solvent stills, the reclaimed solvent may not be sold commercially.]

(6) Specific Performance Standards: All generators of Class A regulated recyclable material exempt from Class A permit requirements pursuant to 310 CMR 30.221(3)(a)1. and 30.221(3)(a)2. shall comply with the following, as applicable:

(a) Used oil fuel fired space heaters. A generator of used oil fuel burned in a used oil fuel fired space heater for energy recovery at the site of generation shall ensure that:

1. only used oil fuel is burned in the space heater and such used oil fuel is generated at the site where the space heater is located, supplemental fuel sources may include used oil fuel generated by:
 - a. a person who is a very small quantity generator pursuant to 310 CMR 30.353 and transported by that person from the site of generation to the site where the heater is located; or,
 - b. generated by a household as described in 310 CMR 30.104(6) and received from the person at whose household the oil became used oil;
2. the used oil fuel has a flash point of 100° F or greater;
3. the energy input capacity of the space heater is equal to or less than 500,000 BTU per hour;
4. the space heater is integrally connected to a tank that supplies the used oil fuel to the space heater and combustion gases from the space heater are vented vertically to the ambient air;
5. the space heater is not operated during the period from June 15 through September 15; and
6. the space heater is operated in compliance with all other applicable regulations including those of the local fire department and the Massachusetts Office of the State Fire Marshall.

(b) Stand-alone solvent still. A generator of Class A regulated recyclable solvent recycled in a stand-alone solvent still at the site of generation, shall ensure that:

1. the process of reclamation is conducted in a "completely enclosed recycling system," as defined in 310 CMR 30.010;
2. reclaimed solvent is returned to an on-site process similar to the one in which it was generated;
3. reclaimed solvent is not used to produce a fuel or products that are used in a manner constituting disposal;
4. the solvent still is operated in compliance with all other applicable regulations, including those of the local fire department and the Massachusetts Office of the State Fire Marshall; and
5. the reclamation does not involve controlled flame combustion.

(c) Silver recovery units. A generator of silver-bearing Class A regulated recyclable material recycled in stand-alone silver recovery units at the site of generation shall ensure that:

1. the process of reclamation is conducted in a "completely enclosed recycling

system” as defined in 310 CMR 30.010;

2. if the generator is a photoprocessor or printer subject to the Environmental Results Program (ERP) regulations, 310 CMR 71.00, it shall comply with 310 CMR 71.00;

3. if the generator is a photoprocessor or printer that is not subject to ERP, the generator shall comply with all applicable federal, state, and local waste water regulations, including those of the local POTW and shall not discharge or transport industrial wastewater to a POTW unless:

a. the wastewater contains less than or equal to 2 mg/l (i.e., 2 ppm) silver, however this provision shall not excuse a generator from compliance with a lower, locally enforceable limit; or

b. the wastewater is in compliance with a local limit greater than 2 ppm and such limit is established pursuant to a locally enforceable permit; and

(d) Specification used oil fuel burned for energy recovery in a fossil fuel utilization facility other than a used oil fuel fired space heater. A generator of specification used oil fuel burned for energy recovery in a fossil fuel utilization facility other than a used oil fuel fired space heater shall:

1. manage the material in compliance with 310 CMR 30.250;

2. retain at the site of generation documentation of compliance with 310 CMR 30.250 and include the following:

a. information that shows that the material burned at the facility is specification used oil fuel and meets the parameters of specification used oil fuel as defined in 310 CMR 30.216 and that the generator uses sampling and analytical methods in compliance with 310 CMR 30.151 for representative sample methods and 30.152 for flash point determination. For determining approved analytical procedures, see EPA’s “Test Methods for Evaluating Solid Waste, SW-846”;

b. a copy of the Department’s air quality approval to burn the used oil fuel pursuant to 310 CMR 7.00; and,

3. not mix specification used oil fuel with any off-specification used oil fuel, with any waste oil, or with any hazardous waste fuel, unless such mixing is incidental to the filling or emptying of a tank or container;

(e) Recyclable material described at 310 CMR 30.212(1)(a), (b) and (c): A generator of Class A regulated recyclable material described at 310 CMR 30.212(1)(a)-(c) and used/reused as an ingredient to make a product, substitutes for a commercial product, or substitutes for feedstock in the original production process, shall ensure that such material is present in the resulting product or process within a specification range typical for the product or process. The Department may consider use of excess regulated recyclable material as a form of treatment and/or disposal subject to the licensing requirements of 310 CMR 30.800.

30.223: Transport and Manifest Standards

[Note: A transporter of Class A Regulated Recyclable Material (RRM), including specification used oil fuel, is required to comply with all US DOT regulations applicable to the shipment of hazardous materials.]

(1) A transporter of specification used oil fuel shall be licensed to transport hazardous waste pursuant to 310 CMR 30.000

- (2) A transporter of any Class A regulated recyclable material other than specification used oil fuel shall be either:
- (a) licensed to transport hazardous waste pursuant to 310 CMR 30.000, or
 - (b) a person who
 - 1. transports Class A regulated recyclable material in full compliance with all applicable State and Federal regulations, including but not limited to M.G.L. c. 159B, and
 - 2. transports, from or to any point in Massachusetts, no hazardous waste, and no regulated recyclable material other than Class A regulated recyclable material.
- (3) A transporter of Class A regulated recyclable material may cause or allow such material to be transported off the site of generation only to either
- (a) a facility described in 310 CMR 30.222(1), or
 - (b) a transporter described in 310 CMR 30.223(1).
- (4) Class A regulated recyclable material transported by a transporter described in 310 CMR 30.223(1) or 310 CMR 30.223(2)(a) shall be accompanied by either:
- (a) a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests, or
 - (b) a shipping paper which shall describe the transportation of the material, shall accompany the material at all times while it is being transported, shall be made available to the Department on request, and shall contain at least the following:
 - 1. the transporter's name, address, EPA identification number, and hazardous waste transporter license number;
 - 2. the date of collection;
 - 3. the name and address of the generator from whom Class A regulated recyclable material was collected on that date;
 - 4. the amount of Class A regulated recyclable material collected from the generator;
 - 5. the location of the delivery of the Class A regulated recyclable material, including the facility's name, address, EPA identification number, and license or permit identification;
 - 6. the signature of the generator from whom Class A regulated recyclable material was collected;
 - 7. the signature of the transporter's employee making the collection;
 - 8. the signature of the receiving facility's owner or operator, or his designee; and
 - 9. for any specification used oil fuel being transported, the shipping paper shall identify the material as "specification used oil fuel".

30.224: Applications for Class A Permits

Generators and recyclers of Class A regulated recyclable material, other than those exempt from permit requirements pursuant to 310 CMR 30.221(3)(a), shall determine their appropriate permit category according to Table 310 CMR 30.221, and submit a permit application for that category on a form prescribed by the Department. In addition to what is set forth 310 CMR 30.204, the application shall include:

- (1) for a generator intending to send materials off the site of generation, the names, addresses, and EPA identification numbers of the recycler(s) to whom the materials are to be sent.
- (2) for a recycler intending to receive materials from off the site of recycling, the names, addresses, and EPA identification numbers of the generator(s) located outside of Massachusetts from whom the materials are to be received.
- (3) for a generator intending to send materials outside of Massachusetts, a statement from those persons outside of Massachusetts who are referred to in the application, certified pursuant to 310 CMR 30.009, that:
 - (a) the information contained in the application is correct and accurate, and
 - (b) the activity they intend to engage in is in compliance with applicable State and Federal laws and regulations.
- (4) for a generator intending to recycle specification used oil fuel by burning it in a fossil fuel utilization facility other than a used oil fuel fired space heater, documentation that the burning of specification used oil fuel in that facility has been approved as applicable by the Department pursuant to 310 CMR 7.00.

30.225: Conditions for Class A Recycling Permits

In addition to conditions imposed pursuant to 310 CMR 30.202(2), the conditions set forth in 310 CMR 30.205 and 30.206, and the provisions set forth in 310 CMR 30.221 and 30.222 and 30.250, the following conditions shall apply to each Class A recycling permit, regardless of whether or not such conditions are written into the permit.

- (1) The permittee shall immediately notify the Department of any change in the characteristics, composition, or source of any Class A regulated recyclable material that would require that said material be managed differently, that the conditions of the permit be changed, or that the permit be suspended or revoked.
- (2) If the permittee is a generator who is a "marketer" [that term is defined in 310 CMR 30.255(1)] of specification used oil fuel by selling or otherwise transferring such fuel, or offering to sell or otherwise transfer such fuel, to other persons who burn that fuel, or who intend or plan to burn that fuel, for energy recovery, the permittee shall determine that the used oil fuel is specification used oil fuel by causing samples of such fuel to be analyzed only by laboratories meeting standards of quality control and quality assurance acceptable to the Department.
- (3) If the permittee is authorized to burn specification used oil fuel, the permittee shall not mix such used oil fuel with any off-specification used oil fuel, with any waste oil, with any hazardous waste fuel, or with unused fuel oil unless such mixing is incidental to the filling or emptying of a tank or container.
- (4) If the permittee is authorized to burn specification used oil fuel, the permittee shall not receive from off the site of generation, and shall not contract to receive from off the site of generation, any off-specification used oil fuel, any waste oil,

or any hazardous waste fuel. If the permittee receives or otherwise comes to possess any off-specification used oil fuel not generated at the site of burning, any waste oil not generated at the site of burning, or any hazardous waste fuel not generated at the site of burning, the permittee shall immediately so notify the Department and shall manage such material as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

30.230: Requirements Governing Class B(1) Regulated Recyclable Materials

310 CMR 30.230 through 30.239, cited collectively as 310 CMR 30.230, set forth standards for the handling of Class B(1) regulated recyclable materials, describe procedures for obtaining a permit to recycle Class B(1) regulated recyclable materials, and set forth the basic and optional conditions that may be imposed in such permits.

30.231: General Provisions

- (1) Except for those regulated recyclable materials described in 310 CMR 30.231(2), all regulated recyclable materials used in a manner constituting disposal
 - (a) shall not be subject to any provisions of 310 CMR 30.200 other than 30.201, 30.211, and 30.231(1), and
 - (b) shall be recycled and otherwise handled in full compliance with all applicable provisions of 310 CMR 30.000 other than 310 CMR 30.200.
- (2) When used in a manner constituting disposal, regulated recyclable materials shall be subject to 310 CMR 30.230 if they
 - (a) are listed or otherwise described in 310 CMR 30.133 or 30.136, and
 - (b) have never been used, and
 - (c) are ordinarily used on the land.
- (3) No person shall recycle any Class B(1) regulated recyclable material described in 310 CMR 30.231(2), or engage in any other activity involving Class B(1) regulated recyclable material described in 310 CMR 30.231(2) if a Class B(1) permit is required for that activity, unless either
 - (a) that person has applied for and obtained a Class B(1) permit, said permit is in effect when the recycling or other activity is being done, and said permit authorizes the recycling or other activity being done, or
 - (b) the Class B(1) regulated recyclable material is recycled or otherwise handled in compliance with all provisions of 310 CMR 30.000 other than 310 CMR 30.200.
- (4) If a person described in 310 CMR 30.231(3) has a Class B(1) permit issued pursuant to 310 CMR 30.230, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall
 - (a) not recycle any Class A, Class B(2), Class B(3), Class B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (b) not receive from off the site of generation, or contract to receive from off the site of generation, any Class A, Class B(1), Class B(2), Class B(3), Class

B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity, and

(c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064.

(5) Generators and transporters of Class B(1) regulated recyclable material described in 310 CMR 30.231(2) shall handle such material in compliance with all provisions set forth in 310 CMR 30.000 for the generation and transportation of hazardous waste. Without limiting the generality of the foregoing,

(a) such material shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests; and

(b) a generator of such material may sell or otherwise transfer custody or possession of such material only to a transporter in compliance with 310 CMR 30.304; and

(c) a generator of such material may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to either

1. a facility described in 310 CMR 30.305 or

2. a facility that has a Class B(1) permit pursuant to 310 CMR 30.232(2) or

3. a facility outside of Massachusetts that has been designated by the Department pursuant to 310 CMR 30.232(3); and

(d) a transporter of Class B(1) regulated recyclable material may cause or allow such material to be transported off the site of generation only to either

1. a person described in 310 CMR 30.404 or

2. a facility that has a Class B(1) permit pursuant to 310 CMR 30.232(2) or

3. a facility outside of Massachusetts that has been designated by the Department pursuant to 310 CMR 30.232(3).

(6) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to the federally enforceable land disposal restrictions of 40 CFR Part 268 if the regulated recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products

(a) meet the applicable federally enforceable treatment standards in subpart D of 40 CFR 268, as in effect on July 1, 2001, or meet the federally enforceable requirements of 40 CFR §268.32 or RCRA section 3004(d) where no treatment standards have been established) for the constituents that they contain, or

(b) are zinc-containing fertilizers that are produced for the general public's use and that use hazardous wastes that are emission control dust/sludge from the primary production of steel in electric furnaces, EPA Hazardous Waste No. K061.

30.232: Class B(1) Permits and Permit Applications

(1) Any person wishing to recycle Class B(1) regulated recyclable material in compliance with a Class B(1) permit shall apply to the Department for a Class B(1) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

- (a) The names, addresses, and EPA identification numbers of all generators generating the material to be recycled, and
- (b) The location of the recycling, if it is not the given address of the recycler, and
- (c) A complete description of the material to be recycled, including any hazardous constituent listed in 310 CMR 30.160 present in a concentration greater than 1.0 mg/kg (dry weight) and not ordinarily present in the material when in commercial distribution, and
- (d) A complete description of the proposed method of use, specifically including, without limitation, any departures from the ordinary method of use or the method approved by the manufacturer, and
- (e) A complete description of all sensitive receptors and environmentally sensitive activities at or near the site of use, including, without limitation residences, schools, and drinking water supplies.

(2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the provisions set forth in 310 CMR 30.231 shall apply to each Class B(1) permit, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

(3) Any person who wishes to recycle, at a facility outside of Massachusetts, Class B(1) regulated recyclable material generated in Massachusetts shall apply to the Department to be considered a designated facility for the purpose of receiving Class B(1) regulated recyclable material. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

- (a) The names, addresses and EPA identification numbers of the generators located in Massachusetts from whom the recycler intends to obtain regulated recyclable material, and
- (b) A statement that
 - 1. the State in which the recycling would be done, if applicable, or the EPA, has approved such recycling, or
 - 2. approval of the recycling is not required by State or Federal law in effect where the recycling would be done.

30.240: Requirements Governing Class B(2) Regulated Recyclable Materials

310 CMR 30.240 through 30.249, cited collectively as 310 CMR 30.240, set forth standards for the handling of Class B(2) regulated recyclable materials, describe procedures for obtaining a permit to recycle Class B(2) regulated recyclable materials, and set forth the basic and optional conditions that may be imposed in such permits.

30.241: General Provisions

- (1) No person shall recycle any Class B(2) regulated recyclable material, or engage in any other activity involving Class B(2) regulated recyclable material if a Class B(2) permit is required for that activity, unless either
- (a) that person has applied for and obtained a Class B(2) permit, said permit is in effect when the recycling or other activity is being done, and said permit authorizes the recycling or other activity being done, or
 - (b) the Class B(2) regulated recyclable material is recycled or otherwise handled in compliance with all provisions of 310 CMR 30.000 other than 310 CMR 30.200.
- (2) If a person described in 310 CMR 30.241(1) has a Class B(2) permit issued pursuant to 310 CMR 30.240, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall
- (a) not recycle any Class A, Class B(1), Class B(3), Class B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (b) not receive from off the site of generation, or contract to receive from off the site of generation, any Class A, Class B(1), Class B(2), Class B(3), Class B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064.

30.242: Generator Standards

- (1) Each person who generates hazardous waste fuel, regardless of what else he does or wishes to do with that material, shall handle such material in compliance with all applicable provisions set forth in 310 CMR 30.000 for the generation of hazardous waste. Without limiting the generality of the foregoing,
- (a) such material shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests; and
 - (b) a generator of such material may sell or otherwise transfer custody or possession of such material only to a transporter in compliance with 310 CMR 30.304; and
 - (c) a generator of such material may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to a facility described in 310 CMR 30.305.
- (2) Each generator of hazardous waste fuel who is a "marketer" of hazardous waste fuel shall be subject to, and shall comply with, 310 CMR 30.244 and 30.245.
- (3) All generators of hazardous waste fuel who burn the hazardous waste fuel they generate shall be subject to, and shall comply with, 310 CMR 30.246 and 30.247.

30.243: Transport and Manifest Standards

Each transporter of hazardous waste fuel shall handle such material in compliance with all applicable provisions set forth in 310 CMR 30.000 for the transport of hazardous waste. Without limiting the generality of the foregoing,

- (1) such material shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests; and
- (2) a transporter of such material may cause or allow such material to be transported off the site of generation only to a person described in 310 CMR 30.404.

30.244: "Marketer" Standards

(1) As used in 310 CMR 30.240, the term "marketer" means a person who intends to or does sell or otherwise transfer, or offer to sell or otherwise transfer, a hazardous waste fuel to another person who wishes to or does burn it. The term "marketer" does not include a person who transfers hazardous waste to another person for conversion by that other person to a hazardous waste fuel by blending or other treatment if the person doing the blending or other treatment does not wish to, and does not, burn the hazardous waste fuel.

(2) In addition to complying with all other applicable requirements, each "marketer" of hazardous waste fuel shall:

- (a) comply with 310 CMR 30.001 through 30.059 and all applicable provisions of 310 CMR 30.100 through 30.199, and
- (b) notify the EPA and the Department of his hazardous waste fuel activity pursuant to 310 CMR 30.060 through 30.064 before engaging in such activity, or constructing or operating any site or works for engaging in such activity, and
- (c) before sending the first shipment of hazardous waste fuel to a person who wishes to or does burn it, receive from said person a certification that said person
 1. has notified the EPA and the Department of his hazardous waste fuel activity pursuant to 310 CMR 30.060 through 30.064 and
 2. has a currently valid license or permit for that activity, and
- (d) in addition to complying with all other applicable record-keeping requirements, keep a copy of each certification of hazardous waste fuel activity that he sends or receives.

(3) Except for generators described in 310 CMR 30.244(4), each "marketer" who blends or otherwise treats hazardous waste or hazardous waste fuel, or who receives hazardous waste or hazardous waste fuel from off the site of generation thereof for the purpose of transferring it to another "marketer" of hazardous waste fuel, or who stores, and not just accumulates, hazardous waste fuels at the site of generation thereof, shall do so at a facility that is either

- (a) licensed pursuant to 310 CMR 30.800 and in compliance with all applicable provisions of 310 CMR 30.500 through 30.900, or
 - (b) a facility having interim status pursuant to RCRA.
- (4) The provisions of 310 CMR 30.244(3) shall not apply to a "marketer" of hazardous waste fuel who is a generator who
- (a) does not receive hazardous waste or hazardous waste fuel from off the site of generation thereof, and
 - (b) does not burn or store hazardous waste or hazardous waste fuel, and
 - (c) does not blend or otherwise treat hazardous waste or hazardous waste fuel.
- (5) Each "marketer" described in 310 CMR 30.244(4) shall manage the hazardous waste fuel he generates in compliance with either
- (a) 310 CMR 30.200 and a Class B(2) permit issued pursuant to 310 CMR 30.245, or
 - (b) all provisions of 310 CMR 30.000 other than 310 CMR 30.200.

30.245: Permits and Permit Applications For Those Who Are "Marketers" of Hazardous Waste Fuel

- (1) Any generator described in 310 CMR 30.244(4) who wishes to be a "marketer" of hazardous waste fuel in compliance with a Class B(2) permit shall apply to the Department for a Class B(2) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:
- (a) The names, addresses, and EPA identification numbers of the persons to whom the hazardous waste fuel is to be sold or otherwise transferred, or offered for sale or other transfer.
 - (b) Copies of the certifications required pursuant to 310 CMR 30.246(2)(c).
- (2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the provisions set forth in 310 CMR 30.241, 30.242, 30.243, and 30.244 shall apply to each Class B(2) permit issued pursuant to 310 CMR 30.245, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

30.246: Standards for Persons Who Burn Hazardous Waste Fuels

- (1) The burning of hazardous waste fuel is prohibited except in
- (a) an industrial and utility boiler or an industrial furnace permitted or licensed by the Department for that burning, or
 - (b) a hazardous waste incinerator licensed pursuant to 310 CMR 7.00 and 30.000, or
 - (c) a cement kiln located within the boundaries of a municipality with a population less than 500,000 (based on the most recent census statistics)

if such cement kiln is in full compliance with all requirements of 310 CMR 30.000 and 7.00 applicable to hazardous waste incinerators.

- (2) In addition to complying with all other applicable requirements, each person who burns hazardous waste fuel shall:
- (a) comply with 310 CMR 30.001 through 30.059 and all applicable provisions of 310 CMR 30.100 through 30.199, and
 - (b) notify the EPA and the Department of his hazardous waste fuel activity pursuant to 310 CMR 30.060 through 30.064 before engaging in such activity, or constructing or operating any site or works for engaging in such activity, and
 - (c) before accepting the first shipment of hazardous waste fuel, provide to the "marketer" a certification that the marketer:
 - 1. has notified the EPA and the Department of his hazardous waste fuel activity pursuant to 310 CMR 30.060 through 30.064, and
 - 2. has a currently valid license or permit for that activity, and
 - 3. is in compliance with the requirements of 310 CMR 30.240.
 - (d) In addition to complying with all other applicable record-keeping requirements, keep a copy of each certification of hazardous waste fuel activity that he sends or receives.
- (3) All persons who intend to or do burn hazardous waste fuel and who receive hazardous waste fuel not generated at the site where they intend to burn it, or who store hazardous waste fuel at the site of generation prior to burning it at the site of generation, shall do so at a facility that is either
- (a) licensed pursuant to 310 CMR 30.800 and in compliance with all applicable provisions of 310 CMR 30.500 through 30.900, or
 - (b) a facility having interim status pursuant to RCRA, provided that the owner or operator shall have filed a Part A permit application for the hazardous waste fuel activity, or have applied to amend an existing Part A permit application to include the hazardous waste fuel activity, by no later than May 29, 1986.
- (4) Generators who burn hazardous waste fuel that is generated only at the site of burning, and that is only accumulated, and not stored, prior to being burned, shall manage that material in compliance with either
- (a) 310 CMR 30.200 and a Class B(2) permit issued pursuant to 310 CMR 30.247, or
 - (b) all provisions of 310 CMR 30.000 other than 310 CMR 30.200.

30.247: Permits and Permit Applications For Those Who Burn Hazardous Waste Fuel at the Site of Generation

- (1) Any generator described in 310 CMR 30.246(4) who wishes to burn hazardous waste fuel at the site of generation in compliance with a Class B(2) permit shall apply to the Department for a Class B(2) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:
- (a) a complete description of
 - 1. the hazardous waste fuel to be burned, and

2. how the fuel will be blended or otherwise treated, and
 3. with what the fuel will be blended. (Note that after hazardous waste fuel is blended, the mixture is hazardous waste fuel.)
- (b) a complete description of each facility for accumulating and blending or otherwise treating hazardous waste fuels, showing that the construction and operation of each such facility shall be in compliance with applicable requirements set forth or referred to in 310 CMR 30.300.
 - (c) a complete description of how the hazardous waste fuel shall be managed so that it will be accumulated and not stored.
 - (d) a complete description of the facility in which the hazardous waste fuel is to be burned, and of the management of sludges and other residues from the burning.
 - (e) a copy of the Department's approval of the burning pursuant to 310 CMR 7.00.
- (2) In addition to conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the provisions set forth in 310 CMR 30.241, 30.242, 30.243, and 30.246, the following conditions shall apply to each Class B(2) permit issued pursuant to 310 CMR 30.247, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.
- (a) the hazardous waste fuel shall at all times be managed as hazardous waste in compliance with all applicable requirements of 310 CMR 30.300 through 30.399.
 - (b) all sludges and residues of the burning shall be presumed to be hazardous waste unless and until the Department is persuaded otherwise, and the Department has so determined in writing.
 - (c) the facility shall be operated at all times in compliance with the terms and conditions of the approval given by the Department pursuant to 310 CMR 7.00.

30.248: Standards for Other Persons Who Handle Hazardous Waste Fuel

Each person who is not a "marketer" of hazardous waste fuel and who handles hazardous waste fuel he does not generate by doing something with it other than transporting it or burning it shall handle such material only at a facility that is either

- (1) licensed pursuant to 310 CMR 30.800 and in compliance with all applicable provisions of 310 CMR 30.500 through 30.900, or
- (2) a facility having interim status pursuant to RCRA.

30.250: Requirements Governing Waste Oil and Used Oil Fuel

310 CMR 30.250 through 30.269, cited collectively as 310 CMR 30.250, set forth standards for the handling of used waste oil, of unused waste oil, and of Class B(3) regulated recyclable materials, describe procedures for obtaining a permit to recycle Class B(3) regulated recyclable materials, and set forth the basic and optional conditions that may be imposed in such permits.

30.251: General Provisions Governing Class B(3) Regulated Recyclable Materials

- (1) No person shall engage in any activity involving Class B(3) regulated recyclable material if a Class B(3) permit is required for that activity unless either
 - (a) that person has applied for and obtained a Class B(3) permit, said permit is in effect when the activity is being done, and said permit authorizes the activity being done, or
 - (b) the Class B(3) regulated recyclable material is recycled or otherwise handled in compliance with all provisions of 310 CMR 30.000 other than 310 CMR 30.200.
- (2) If a person described in 310 CMR 30.251(1) has a Class B(3) permit issued pursuant to 310 CMR 30.250, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall
 - (a) not recycle any Class A, Class B(1), Class B(2), Class B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (b) not receive from off the site of generation, or contract to receive from off the site of generation, any Class A, Class B(1), Class B(2), Class B(3), Class B(4), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064.
- (3) Except as otherwise provided in 310 CMR 30.251(3), off-specification used oil fuel may be blended with specification used oil fuel or unused fuel oil for the purpose of producing used oil fuel only at a facility licensed pursuant to 310 CMR 30.800. Mixing that is incidental to the filling or emptying of a tank or container is not blending. Off-specification used oil fuel may be blended with specification used oil fuel or unused fuel oil for the purpose of producing used oil fuel at a facility that has a Class B(3) permit issued pursuant to 310 CMR 30.266 or 30.268 if the blending is done for the purpose of making fuel which, at the time the blending occurs, may be lawfully burned at the site of blending pursuant to 310 CMR 7.00 and 30.000.

(4) Waste oil and used oil fuel shall not be blended, mixed, commingled, or otherwise treated with any other hazardous waste identified or otherwise described in 310 CMR 30.100 unless such blending, mixing, commingling, or other treatment is done in compliance with either

- (a) 310 CMR 30.240 and a Class B(2) recycling permit issued pursuant to 310 CMR 30.240, or
- (b) 310 CMR 30.290 and a Class C recycling permit issued pursuant to 310 CMR 30.290, or
- (c) all provisions of 310 CMR 30.000 other than 310 CMR 30.200

30.252: General Provisions Governing Waste Oil That Is Not Used Oil Fuel

(1) Except as provided in 310 CMR 30.252(2) and (3), waste oil that is not used oil fuel shall be managed either:

- (a) as hazardous waste fuel (if it is hazardous waste fuel) in compliance with 310 CMR 30.240; or as
- (b) regulated recyclable material if recycled in some manner other than being burned for energy recovery, in compliance with 310 CMR 30.220 and 30.212(8), or as
- (c) waste oil or hazardous waste in compliance with 310 CMR 30.201, 30.250, and all provisions 310 CMR 30.000 other than 310 CMR 30.200.

(2) Except as otherwise provided in 310 CMR 30.252, Remediation Wastes, Remedial Waste Water, Soil, and Sediment, as defined in 310 CMR 40.0000, that contain used or unused waste oil, and that are not otherwise a hazardous waste pursuant to 310 CMR 30.120 through 30.136, generated as the result of a response action pursuant to 310 CMR 40.0000, as defined in 310 CMR 40.000, shall be managed pursuant to 310 CMR 30.000 as a hazardous waste with a waste code of MA01.

(a) Such Remediation Waste, Remedial Waste Water, Soil, and Sediment that are subject to the requirements of M.G.L. c. 21E and 310 CMR 40.0000 may be managed by the generator in compliance with the requirements of 310 CMR 40.0030, and the receiving facility's permit issued pursuant to 310 CMR 30.000 or 310 CMR 19.00 rather than as MA01 hazardous waste.

(b) Such Remediation Waste, Remedial Waste Water, Soil, and Sediment that are subject to the requirements of M.G.L. c. 21E and 310 CMR 40.0000 may be managed by the generator in compliance with the requirements of 310 CMR 40.0030 and transported to an out-of-state facility permitted for the receipt of such wastes rather than as MA01 hazardous waste.

(c) Such Remediation Waste, Remedial Waste Water, Soil, and Sediment generated at an out-of-state response action may be shipped to a Massachusetts receiving facility as a non-hazardous waste provided such management is in compliance with the facility's permit issued pursuant to 310 CMR 30.000 or 310 CMR 19.00, and the requirements of the state of generation.

(d) Notwithstanding any provision of 310 CMR 30.252, the Department may require, in order to protect the public health, safety, and welfare, or the environment, any Remediation Waste, Remedial Waste Water, Soil,

or Sediment subject to the provisions of 310 CMR 30.252 to be managed, stored, transported, treated or disposed of as a hazardous waste.

(e) For any Uncontainerized Hazardous Waste, as defined in 310 CMR 40.0000, no provision of 310 CMR 30.252(2) shall limit the ability of the Department to require compliance, pursuant to 310 CMR 40.0031(3), with all or portions of the requirements of 310 CMR 30.000, including but not limited to those of 310 CMR 30.200 or 310 CMR 30.800.

(3) Notwithstanding the provisions of 310 CMR 30.252(1), unused waste oil that is to be reused for the original purpose for which it was produced with no other processing than separation from a non-hazardous material at the site of generation or at a facility licensed pursuant to 310 CMR 30.800 is not a waste if it is sold or otherwise transferred as a commercial product.

(4) The separation of waste oil from a non-hazardous waste or non-hazardous material at the site of generation is not treatment and does not require a license pursuant to 310 CMR 30.800. The sludge from such a process is either a hazardous waste or wastewater or both and shall be subject to regulation as such.

(5) Waste oil that is subject to the provisions of 310 CMR 30.104(2)(g) shall be deemed to be generated when it is accumulated or stored by a generator who is subject to 310 CMR 30.060 through 30.064, including, without limitation, a generator described in 310 CMR 30.353(8).

30.253: Generator Standards Governing Waste Oil and Used Oil Fuel

- (1) All generators of waste oil and all generators of used oil fuel:
 - (a) shall be subject to 310 CMR 30.301(1) and (2).
 - (b) shall comply with 310 CMR 30.302.
 - (c) may sell or otherwise transfer custody or possession of such waste oil only to a transporter in compliance with 310 CMR 30.304.
 - (d) may sell or otherwise transfer custody or possession of off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) only to a transporter in compliance with 310 CMR 30.304.
 - (e) may sell or otherwise transfer such waste oil, or contract to sell or otherwise transfer such waste oil, or cause or allow such waste oil to be transported off the site of generation, only to a facility described in 310 CMR 30.305.
 - (f) may sell or otherwise transfer off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222), or contract to sell or otherwise transfer off-specification used oil fuel, or cause or allow off-specification used oil fuel to be transported off the site of generation, only to either:
 1. a facility described in 310 CMR 30.305, or
 2. a facility that has a Class B(3) permit pursuant to 310 CMR 30.264 or 30.268, or
 3. a marketer authorized pursuant to 310 CMR 30.255.

(g) may accumulate or store waste oil or used oil fuel in an underground tank only if the tank is installed, designed, constructed, operated, and monitored in compliance with the applicable requirements of 527 CMR 9.05 and 9.06.

(2) Any process at the site of generation which separates waste oil from a non-hazardous waste does not constitute treatment. Such activity shall be conducted in such a way as to prevent the release of waste oil into the environment.

(3) A generator of waste oil or of used oil fuel who is a "marketer" is also subject to, and shall comply with, 310 CMR 30.255.

(4) A generator of waste oil or of used oil fuel who burns waste oil or used oil fuel is also subject to, and shall comply with, 310 CMR 30.256.

(5) A generator subject to 310 CMR 30.253 may obtain dual status if hazardous waste as well as waste oil and/or used oil fuel are generated or accumulated on-site. A generator of hazardous waste that is also subject to 310 CMR 30.253 shall determine its status with respect to such hazardous waste pursuant to the generator requirements of 310 CMR 30.300. (See 310 CMR 30.340(1); 30.351(1) and (2); and 30.353(1) and (2).) A generator of hazardous waste may exclude waste oil and/or used oil fuels from the hazardous waste status calculations in 310 CMR 30.300 provided these regulated recyclable materials are counted towards a generator's status with respect to waste oil and/or used oil fuels as follows:

(a) A generator is a Very Small Quantity Generator of waste oil and/or used oil fuels if that generator:

1. does not generate in a calendar month 100 kg or more of such regulated recyclable materials; and
2. does not accumulate a total quantity of 1,000 kg or more of any regulated recyclable material, hazardous waste, or combination of hazardous waste and regulated recyclable material, including waste oil and/or used oil fuels.

(b) A generator is a Small Quantity Generator of waste oil and/or used oil fuels if that generator:

1. does not generate in a calendar month 1,000 kg or more of such regulated recyclable materials; and
2. does not accumulate a total quantity of 6,000 kg or more of any hazardous waste, regulated recyclable material, or combination including waste oil and/or used oil fuels.

(c) A generator is a large quantity generator of waste oil and/or used oil fuels if that generator is not a Small Quantity Generator of waste oil and/or used oil fuels pursuant to 310 CMR 30.253(5)(b) or a Very Small Quantity Generator of waste oil and/or used oil fuels pursuant to 310 CMR 30.253(5)(a).

(6) Generators of waste oil and/or used oil fuel shall comply with the following regulations, except that in implementing and enforcing said regulations with respect to used oil fuel, the term "used oil fuel" shall be used instead of the terms "waste" or "hazardous waste" wherever the latter two terms are used in said regulations, or in any other regulations referred to therein:

(a) All large quantity generators of waste oil and/or used oil fuel shall comply with 310 CMR 30.322, 30.323, 30.340(6), 30.341(2), (3), (5), (6), (7) and (8) as well as 30.342, and 30.343(1)(d), (e), (g) and (i). All areas where waste oil and/or used oil fuel is accumulated or stored, except for satellite accumulation areas, shall have posted at all times a sign with the words "WASTE OIL" in capital letters at least one inch high. Each such sign shall meet the guidelines set forth in the National Fire Protection Association's Code No. 704.

(b) All Small Quantity Generators of waste oil and/or used oil fuel shall comply with 310 CMR 30.351, including all regulations referred to therein, except that a Small Quantity Generator of waste oil and/or used oil fuel:

1. need not comply with the signage requirement of 310 CMR 30.341(4) referenced in 310 CMR 30.351(8)(a). Instead, all areas where waste oil and/or used oil fuel is accumulated or stored, except for satellite accumulation areas, shall have posted at all times a sign with the words "WASTE OIL" in capital letters at least one inch high. Each sign shall meet the guidelines set forth in the National Fire Protection Association's Code No. 704.

2. need only comply with the following requirements of 310 CMR 30.343 referenced in 310 CMR 30.351(8)(c) regarding accumulation in tanks:

- a. 310 CMR 30.343(1)(d). regarding *Containment*;
- b. 310 CMR 30.343(1)(e). regarding *General Operating Requirements*;
- c. 310 CMR 30.343(1)(g) relating to *Response to Leaks or Spills and Disposition of Leaking Tank Systems*; and
- d. 310 CMR 30.343(1)(i) relating to *Closure and Post-Closure Care*.

(c) All Very Small Quantity Generators of waste oil and/or used oil fuel shall comply with 310 CMR 30.353, including all other regulations referred to therein, except that a Very Small Quantity Generator of waste oil and/or used oil fuel need not comply with the signage requirement of 310 CMR 30.341(4) referenced in 310 CMR 30.353(6)(h). Instead, all areas where waste oil and/or used oil fuel is accumulated or stored, except for satellite accumulation areas, shall have posted at all times a sign with the words "WASTE OIL" in capital letters at least one inch high. Each sign shall meet the guidelines set forth in the National Fire Protection Association's Code No. 704.

(7) Generators of waste oil and/or used oil fuel shall be subject to the following preparedness and emergency procedure requirements:

(a) Large Quantity Generators of waste oil and/or used oil fuel only, as defined in 310 CMR 30.253(5), Large Quantity Generators of waste oil and/or used oil fuel who generate and accumulate all other regulated recyclable materials and all other hazardous wastes in quantities entitling them to the status of either a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353, shall comply with the requirements set forth or referred to in 310 CMR 30.351(9).

(b) All Small Quantity Generators of waste oil and/or used oil fuel, as defined in 310 CMR 30.253(5), shall comply with requirements set forth or referred to in 310 CMR 30.351(9).

(c) All Very Small Quantity Generators of waste oil and/or used oil fuel, as defined in 310 CMR 30.253(5), shall comply with requirements set forth or referred to in 310 CMR 30.353(4).

(8) Persons who generate or accumulate waste oil and/or used oil fuel, and who generate or accumulate any other hazardous waste, shall comply with all applicable provisions of 310 CMR 30.200 with respect to the waste oil and/or used oil fuel, and shall comply with all applicable provisions of 310 CMR 30.000 with respect to all the other hazardous waste they generate.

(9) Except for the generators described in 310 CMR 30.253(10), all generators of waste oil and/or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) shall cause such waste oil or used oil fuel, when it is collected and transported, to be accompanied by a hazardous waste manifest which shall be filled out, signed, and distributed, and copies of which shall be kept, in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, distribution, and keeping of copies of manifests.

(10) Persons who generate and accumulate waste oil or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.222) in quantities entitling them to the status of either a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353, and who generate and accumulate all other regulated recyclable materials and all other hazardous wastes in quantities entitling them to the status of a Very Small Quantity Generator pursuant to 310 CMR 30.353 need not handle such waste oil or off-specification used oil in compliance with 310 CMR 30.253(9), and instead shall cause such waste oil or off-specification used oil fuel to be handled in compliance with the following requirements:

(a) Generators subject to 310 CMR 30.253(10) shall register with the Department by notifying the Department in writing of their activity involving waste oil, off-specification used oil fuel, other regulated recyclable material, and other hazardous waste. Except as specifically provided elsewhere in 310 CMR 30.253(10), such registration shall be in compliance with requirements set forth or referred to in 310 CMR 30.353(5) (requirements governing Very Small Quantity Generators of hazardous waste).

(b) Generators subject to 310 CMR 30.253(10) shall cause waste oil or off-specification used oil fuel, when it is collected and transported, to be accompanied by either a hazardous waste manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests, or by a shipping paper filled out, signed and handled in compliance with 310 CMR 30.223(3) and (4). Generators subject to 310 CMR 30.253(9) shall notify the Department and obtain an DEP identification number pursuant to 310 CMR 30.060 through 30.064.

30.254: Transport and Manifest Standards Governing Waste Oil and Used Oil Fuel

(1) A transporter of waste oil or of off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.223) shall be licensed to transport hazardous waste pursuant to 310 CMR 30.000.

(2) A transporter of waste oil may cause or allow such material to be transported off the site of generation only to a person described in 310 CMR 30.404.

(3) A transporter of off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.223) may cause or allow such material to be transported off the site of generation only to either

- (a) a person described in 310 CMR 30.404, or
- (b) a facility that has a Class B(3) permit pursuant to 310 CMR 30.264 or 30.268.

(4) When waste oil or off-specification used oil fuel (specification used oil fuel is subject to 310 CMR 30.223) generated by a generator described in 310 CMR 30.253(5) is collected and transported, such waste oil or used oil fuel shall be accompanied by a manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of manifests.

(5) A transporter of waste oil or off-specification used oil fuel shall report monthly to the Department the source, amount, and destination of all waste oil and off-specification used oil fuel transported during the month. Each such monthly report shall be submitted to the Department no later than the last day of the following month. Such reports shall be on a machine readable file in a format prescribed by the Department. Such reports shall be subject to 310 CMR 30.006 and 30.007, certified pursuant to 310 CMR 30.009, and in compliance with 310 CMR 30.407.

(6) A person who contracts to perform an activity which results in the generation of waste oil may transport such waste oil without a license pursuant to 310 CMR 30.402 only if such person:

- (a) has generated, as a result of his activity at the site at which such person performed contracted work, the waste oil that he intends to transport from the site at which he performed the activity;
- (b) transports no more than 100 kilograms per month of waste oil from any single site;
- (c) transports waste oil in containers whose capacity does not exceed, in the aggregate, 200 kilograms in any one vehicle at any one time;
- (d) registers such activity with the Department in compliance with 310 CMR 30.353(5);
- (e) is in compliance with 310 CMR 30.353(7)(g), and (h); and
- (f) delivers the waste oil either to a facility described in 310 CMR 30.305(1) or accumulates and manages the waste oil in compliance with 310 CMR 30.340 through 30.343, 30.351, or 30.353, as applicable.

30.255: "Marketer" Standards

(1) The following criteria shall be used to determine whether or not a person is a "marketer" of used oil fuel. A person is a "marketer" of used oil fuel if that person is any of the following:

- (a) A generator of used oil fuel who sells or otherwise transfers, or offers to sell or otherwise transfer, used oil fuel to persons authorized to market used oil fuel or to other persons authorized to burn that fuel for energy recovery.
 - (b) Said person is the owner or operator of a facility at which used oil fuel is blended for the purpose of preparing either specification or off-specification used oil fuel.
 - (c) Said person is a transporter licensed pursuant to 310 CMR 30.800 and who transports used oil fuel to other authorized marketers, or to persons who are authorized to burn that used oil fuel for energy recovery.
- (2) A person who is a "marketer" of off-specification used oil fuel may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to owners or operators of facilities that meet all the following requirements:
- (a) For each facility located in Massachusetts, the requirements are:
 - 1. the owner or operator must have notified the EPA and the Department of the facility's used oil fuel activity pursuant to 310 CMR 30.060 through 30.064.
 - 2. the facility must have an EPA identification number.
 - 3. the facility must be either:
 - a. licensed pursuant to 310 CMR 30.800 and in addition possess a B(3) permit or a specific license condition authorizing it to be a marketer, or
 - b. a marketer authorized to receive off-specification used oil fuel, or
 - c. a facility for which the Department has issued a Class B(3) recycling permit for burning pursuant to 310 CMR 30.268.
 - (b) For each facility located outside of Massachusetts, the requirements are:
 - 1. the facility must have the legal authority to accept the used oil pursuant to applicable statutes and regulations in effect where the facility is located.
 - 2. the transport of the used oil fuel must be in compliance with applicable statutes and regulations in effect in all places where such transport is to occur.
- (3) A "marketer" who burns used oil fuel shall be subject to, and shall comply with, 310 CMR 30.256.
- (4) A "marketer" shall, pursuant to 310 CMR 30.060 through 30.064, notify the Department of his activities as a "marketer" prior to engaging in those activities, regardless of whether or not said "marketer" has previously given notice of other activity pursuant to 310 CMR 30.060 through 30.064.
- (5) Whenever a "marketer" causes off-specification used oil fuel to be transferred to a person who intends to, or does market or burn it for energy recovery, said off-specification used oil fuel shall be accompanied by a hazardous waste manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing,

and distribution of copies of manifests. On the manifest, the off-specification used oil fuel shall be identified as "off-specification used oil fuel", and the waste code "MA98" shall be used.

(6) Whenever a "marketer" causes specification used oil fuel to be transferred to a person who is authorized to burn specification used oil fuel, or to another marketer, said specification used oil fuel shall be accompanied either by:

- (a) a shipping paper on which the specification used oil fuel shall be identified as "specification used oil fuel", or by
- (b) a hazardous waste manifest on which the specification used oil fuel shall be identified as "specification used oil fuel", and the waste code "MA97" shall be used.

(7) No person shall be a "marketer" of any used oil fuel he claims is specification used oil fuel unless said person:

- (a) has ascertained, by appropriate analytical methods contained in EPA's Test Methods for Evaluating Solid Waste, SW-846, as incorporated by reference at 310 CMR 30.012, or by an equivalent method, that it meets the conditions provided in 310 CMR 30.215 and the parameters provided in 310 CMR 30.216 for specification used oil fuel,
- (b) has obtained and kept documentation showing compliance with the requirements in 310 CMR 30.255(7)(a), and
- (c) makes and keeps records for each batch or quantity of specification used oil fuel sold or otherwise transferred to a facility or to a person who is authorized to burn it for energy recovery, or to market, specification used oil fuel, stating for each such batch or quantity the name and address of the facility to which the specification used oil fuel is sold or otherwise transferred, the quantity of specification used oil fuel sold or otherwise transferred, the date when the used oil fuel was collected, and a cross-reference to the documentation described in 310 CMR 30.255(7)(b).

(8) Every "marketer" shall maintain copies of all notices, shipping papers, and manifests, and all other records he is required to make, send, or receive pursuant to 310 CMR 30.200, for at least three years after the date of his last used oil fuel activity. This period shall be automatically extended for the duration of any enforcement action. This period may be extended by order of the Department. All record keeping shall be in compliance with 310 CMR 30.007.

(9) A generator of specification used oil fuel who is a "marketer" of used oil fuel shall either:

- (a) be licensed pursuant to 310 CMR 30.800, and possess a special license condition authorizing it to be a marketer, or
- (b) have a Class A recycling permit issued pursuant to 310 CMR 30.220.

(10) A generator of off-specification used oil fuel who is a "marketer" of off-specification used oil fuel shall either:

- (a) be licensed pursuant to 310 CMR 30.800, or
- (b) have a Class B(3) recycling permit issued pursuant to 310 CMR 30.262.

(11) No person shall be a “marketer” of any used oil fuel he claims is off-specification used oil fuel unless said person:

- (a) has ascertained, by appropriate analytical methods contained in EPA's Test Methods for Evaluating Solid Waste, SW-846, as incorporated by reference at 310 CMR 30.012, such as the field screening tests described in method 9077, or by an alternate method accepted by EPA, that it meets the conditions for used oil fuel provided in 310 CMR 30.215.
- (b) has obtained and kept documentation showing compliance with the requirements in 310 CMR 30.255(11)(a), and
- (c) makes and keeps records for each batch or quantity of off-specification used oil fuel sold or otherwise transferred to a facility or to a person who burns off-specification used oil fuel, stating for each such batch or quantity the name and address of the facility to which the off-specification used oil fuel is sold or otherwise transferred, the quantity of off-specification used oil fuel sold or otherwise transferred, the date when the used oil fuel was collected, and a cross-reference to the documentation described in 310 CMR 30.255(11)(b).

(12) A person who is a "marketer" of specification used oil fuel may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to owners or operators of facilities that meet all the following requirements:

- (a) For each facility located in Massachusetts, the requirements are:
 - 1. the facility must have an EPA identification number or a state-only Massachusetts identification number.
 - 2. the facility must be
 - a. licensed pursuant to 310 CMR 30.800, and possess a special license condition authorizing it to be a marketer, or
 - b. a facility for which the Department has issued a Class B(3) recycling permit pursuant to 310 CMR 30.264, or
 - c. a person with a Class A regulated recyclable materials permit issued pursuant to 310 CMR 30.220 who is authorized to burn used oil fuel.
 - d. or an authorized marketer.
- (b) For each facility located outside of Massachusetts, the requirements are:
 - 1. the facility must have the legal authority to accept the used oil fuel pursuant to applicable statutes and regulations in effect where the facility is located.
 - 2. the transport of the used oil fuel must be in compliance with applicable statutes and regulations in effect in all places where such transport is to occur.

30.256: Standards for Persons Who Burn Used Oil Fuels

(1) Persons who receive used oil fuel and burn it for energy recovery are subject to 310 CMR 30.256, other requirements referred to in 310 CMR 30.256, and the conditions of any required license or permit.

- (2) Persons who burn specification used oil fuel shall either
 - (a) be licensed pursuant to 310 CMR 30.800 and in compliance with 310 CMR 30.500, 30.600, 30.700, and 30.900, or
 - (b) have a Class A recycling permit issued pursuant to and in compliance with 310 CMR 30.220, or,
 - (c) comply with performance standards established at 310 CMR 30.222.
- (3) Specification used oil fuel may be burned only in
 - (a) an industrial or utility boiler or industrial furnace which is specifically approved by the Department for such burning pursuant to 310 CMR 7.00; or
 - (b) a used oil fuel fired space heater, provided that the space heater is operated in compliance with 310 CMR 30.222.
- (4) Off-specification used oil fuel may be burned only in
 - (a) an industrial or utility boiler or industrial furnace which is specifically approved by the Department for such burning pursuant to 310 CMR 7.00; or
 - (b) a used oil fuel fired space heater, provided that the space heater is operated in compliance with 310 CMR 30.222.
- (5) Generators who intend to or do burn off-specification used oil fuel that is generated at the site of burning, and that is burned or intended to be burned in a fossil fuel utilization facility, shall burn such used oil fuel only at a facility that either
 - (a) is licensed pursuant to 310 CMR 30.800 and in compliance with 310 CMR 30.500, 30.600, 30.700, and 30.900, or
 - (b) has a Class B(3) recycling permit issued pursuant to 310 CMR 30.265 and 30.266, and is in compliance with 310 CMR 30.250.
- (6) Persons who burn, or who receive and intend to burn, off-specification used oil fuel not generated at the site of burning, shall do so only at a facility that either
 - (a) is licensed pursuant to 310 CMR 30.800 and in compliance with 310 CMR 30.500, 30.600, 30.700, and 30.900, or
 - (b) has a Class B(3) recycling permit issued pursuant to 310 CMR 30.267 and 30.268, and is in compliance with 310 CMR 30.250.
- (7) Before a person burns, or receives with intent to burn, off-specification used oil fuel received from a "marketer", said person shall receive from said "marketer" a written notice saying that the "marketer" has notified the EPA and the Department of his used oil fuel activity.
- (8) No person who intends to or does burn off-specification used oil fuel shall accept any such fuel from a "marketer" unless said person has previously given to said "marketer" a written certification that said person:
 - (a) has notified the EPA and the Department of his used oil fuel activity, and
 - (b) will burn off-specification used oil fuel only in an industrial or utility boiler or industrial furnace, and

(c) has a valid license or recycling permit appropriate to the activity for which certification is being given. The certification shall specify the type of license or recycling permit the person has.

(9) No person shall burn any batch or lot of specification used oil fuel unless said person

(a) has ascertained, by some means acceptable to the Department, e.g. by obtaining either an analysis of the oil done by a procedure acceptable to the Department or a certification from a "marketer", that the oil in that batch or lot meets the specifications set forth in Table 310 CMR 30.216, and

(b) has obtained and kept documentation showing compliance with the requirements in 310 CMR 30.256(8)(a).

(10) No person who burns used oil fuel shall mix used oil fuel with any other material unless such mixing is done for the purpose of making fuel which the permittee is lawfully burning pursuant to 310 CMR 7.00 and 30.000.

30.260: Activities for Which Class B(3) Recycling Permits Are Required

Before engaging in the following activities, the following persons shall apply for, obtain, and have in effect either a hazardous waste license issued pursuant to 310 CMR 30.800 or a Class B(3) recycling permit:

(1) A generator who intends to be, or who is, a "marketer" of off-specification used oil fuel by selling or otherwise transferring such fuel, or offering to sell or otherwise transfer such fuel, to other persons who burn that fuel, or who intend or plan to burn that fuel, for energy recovery. Such a generator shall comply with 310 CMR 30.261 and 30.262 in applying for a Class B(3) recycling permit for this activity.

(2) A "marketer", other than a transporter/marketer, who receives only specification used oil fuel from off the site of generation thereof, and who receives no other used oil fuel or waste oil or other hazardous wastes, and who intends to or does sell or otherwise transfer such fuel, or offer to sell or otherwise transfer such fuel, only to other persons who burn that fuel, or who intend or plan to burn that fuel, for energy recovery in a fossil fuel utilization facility. Such a "marketer" shall comply with 310 CMR 30.263 and 30.264 in applying for and obtaining a Class B(3) recycling permit for this activity.

(3) A generator who intends to or does burn off-specification used oil fuel that is generated at the site of burning, and that is burned or intended to be burned in a fossil fuel utilization facility. Such a generator shall comply with 310 CMR 30.265 and 30.266 in applying for and obtaining a Class B(3) recycling permit for this activity.

(4) A person who burns, or who receives and intends to burn, off-specification used oil fuel not generated at the site of burning, and blended at the site of burning only in compliance with 310 CMR 30.251(3). Such a

person shall comply with 310 CMR 30.267 and 30.268 in applying for and obtaining a Class B(3) recycling permit for this activity.

30.261: Applications for Class B(3) Permits for Generators to Market Off-Specification Used Oil Fuel

Any generator wishing to be a "marketer" of off-specification used oil fuel by selling or otherwise transferring such fuel, or offering to sell or otherwise transfer such fuel, in compliance with a Class B(3) permit, to other persons who burn that fuel, or who intend or plan to burn that fuel, for energy recovery shall apply to the Department for a Class B(3) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

(1) The name, address, and EPA identification number of each person to whom the used oil fuel is to be sold or otherwise transferred, or offered for sale or other transfer. For each such person, the application shall include a reference to the approval that person has to burn the used oil fuel, or to be a "marketer" of the used oil fuel.

(2) A copy of each certification provided to the generator pursuant to 310 CMR 30.255(8) by each person described in 310 CMR 30.261(1).

30.262: Class B(3) Permits for Generators to Market Off-Specification Used Oil Fuel

Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth or referred to in 310 CMR 30.253, 30.254, and 30.255 shall apply to each Class B(3) permit for generators to market off-specification used oil fuel, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

30.263: Applications for Class B(3) Permits to Market Specification Used Oil Fuel

Any "marketer" wishing to receive specification used oil fuel from off the site of generation thereof, and then sell or otherwise transfer such fuel, or offer to sell or otherwise transfer such fuel, in compliance with a Class B(3) permit, to other persons who burn that fuel, or who intend or plan to burn that fuel, for energy recovery, shall apply to the Department for a Class B(3) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

(1) The name, address, and EPA identification number of each generator and each "marketer" from whom the specification used oil fuel is to be obtained. For each "marketer", the application shall include a reference to the recycling permit issued to that "marketer". If a generator is also a "marketer", the application shall so state and shall include a reference to the recycling permit issued to that "marketer".

(2) The name, address, and EPA identification number of each person to whom the specification used oil fuel is to be sold or otherwise transferred, or offered for sale or other transfer. For each such person, the application shall include a reference to the approval that person has to burn the specification used oil fuel.

(3) A statement of how the used oil fuel will be determined to be specification used oil fuel. If the applicant intends to use laboratory analysis to determine that used oil fuel is specification used oil fuel, the application shall include a statement naming each laboratory at which samples of the used oil fuel will be analyzed, whether and if so by whom each such laboratory is certified, and the quality assurance procedures to be used. If the applicant intends to rely on the representation of the generator that the material in question is specification used oil fuel, the application shall include a copy of the documentation obtained and kept by the generator pursuant to 310 CMR 30.222(3)(b).

30.264: Class B(3) Permits to Market Specification Used Oil Fuel

In addition to conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth or referred to in 310 CMR 30.253, 30.254, and 30.255, the following conditions shall apply to each Class B(3) permit to market specification used oil fuel, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

(1) The permittee shall not receive, and shall not contract to receive, any off-specification used oil fuel, any waste oil, or any hazardous waste fuel.

(2) If the permittee receives or otherwise comes to possess any off-specification used oil fuel, any waste oil, or any hazardous waste fuel, the permittee shall immediately so notify the Department and shall manage such material as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

(3) The permittee shall not sell or otherwise transfer, and shall not contract to sell or otherwise transfer, any specification used oil fuel to any person other than a person authorized to market used oil fuel, or to other persons who intend to burn such fuel for energy recovery in a fossil fuel utilization facility, and who has all required legal authority to burn such fuel in said

fossil fuel utilization facility. If the fossil fuel utilization facility is located in Massachusetts, the approval of the Department is required pursuant to 310 CMR 7.00.

(4) If the permittee is required to use laboratory analysis to determine that used oil fuel is specification used oil fuel, the permittee shall determine that the used oil fuel is specification used oil fuel by causing samples of such fuel to be analyzed only by laboratories certified by the Department or by laboratories meeting standards of quality control and quality assurance acceptable to the Department.

30.265: Applications for Class B(3) Permits to Burn Off-Specification Used Oil Fuel Generated at the Site of Burning

Any person who generates off-specification used oil fuel, and who wishes to burn such material at the site of generation for energy recovery in any device other than a used oil fired space heater, all in compliance with a Class B(3) permit, shall apply to the Department for a Class B(3) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

- (1) Proof that the burning of the fuel in question in that facility has been approved by the Department pursuant to 310 CMR 7.00, and
- (2) A complete description of the characteristics of the fuel, and the variation in those characteristics, if appropriate, and
- (3) A complete description of the analysis procedure used to obtain the information described in 310 CMR 30.265(2), including, but not limited to, a statement naming each laboratory at which samples of the fuel were analyzed, whether and if so by whom each such laboratory is certified, and the quality assurance procedures to be used.
- (4) A complete description of how the fuel will be managed so that it will not be speculatively accumulated.
- (5) If the fuel is to be mixed with other fuels, a complete description of how such mixing will occur in compliance with 310 CMR 30.000.

30.266: Class B(3) Permits to Burn Off-Specification Used Oil Fuel Generated at the Site of Burning

In addition to conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth or referred to in 310 CMR 30.253, 30.254, and 30.256, the following conditions shall apply to each Class B(3) permit to burn used oil fuel at the site of generation, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether

or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

- (1) The permittee shall not burn any waste oil or other hazardous waste, regardless of where it is generated. Except for used oil fuel approved in the permit by the Department, the permittee shall not burn any used oil fuel or hazardous waste fuel, regardless of where it is generated.
- (2) The permittee shall not receive from off the site of generation, and shall not contract to receive from off the site of generation, any material described in 310 CMR 30.266(1) as material the permittee is not authorized to burn. If the permittee receives or otherwise comes to possess any such material not generated at the site of burning, the permittee shall immediately so notify the Department and shall manage such material as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.
- (3) The permittee shall not mix used oil fuel with any other material unless such mixing is done for the purpose of making fuel which, at the time the mixing occurs, the permittee may lawfully burn pursuant to 310 CMR 7.00 and 30.000.
- (4) The permittee shall immediately notify the Department of any change in the characteristics, composition, or source of any used oil fuel that would require that the used oil fuel be managed differently, that the conditions of the permit be changed, or that the permit be suspended or revoked.
- (5) If the permittee is required to use laboratory analysis to determine that used oil fuel is specification used oil fuel, the permittee shall determine that the used oil fuel is specification used oil fuel by causing samples of such fuel to be analyzed only by laboratories certified by the Department or by laboratories meeting standards of quality control and quality assurance acceptable to the Department.
- (6) The permittee shall at all times be in compliance with 310 CMR 7.00.

30.267: Applications for Class B(3) Permits to Burn Off-Specification Used Oil Fuel Generated Off The Site of Burning

Any person who wishes to burn, in compliance with a Class B(3) permit, off-specification used oil fuel generated off the site of burning shall apply to the Department for a Class B(3) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

- (1) A copy of the approval given by the Department to the applicant to burn off-specification used oil fuel pursuant to 310 CMR 7.00.
- (2) The name, address, and EPA identification number of each “marketer” from whom used oil fuel is to be obtained. For each “marketer” the

application shall include a reference to the recycling permit issued to that “marketer”.

(3) A copy of each certification provided to the applicant pursuant to 310 CMR 30.256(6) by each person described in 310 CMR 30.267(2).

(4) If the fuel is to be mixed with other fuels, a complete description of how such mixing will occur in compliance with 310 CMR 30.000.

30.268: Class B(3) Permits to Burn Off-Specification Used Oil Fuel Generated Off the Site of Burning

In addition to conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth or referred to in 310 CMR 30.254 and 30.256, the following conditions shall apply to each Class B(3) permit to burn off-specification used oil fuel generated off the site of burning, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

(1) The permittee shall at all times be in compliance with 310 CMR 7.00.

(2) The permittee shall not receive from off the site of generation, and shall not contract to receive from off the site of generation, any waste oil or other hazardous waste, any hazardous waste fuel, or any used oil fuel which the permittee is not authorized to receive. If the permittee receives or otherwise comes to possess any such material not generated at the site of burning, the permittee shall immediately so notify the Department and shall manage such material as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

(3) The permittee shall not mix used oil fuel with any other material unless such mixing is done for the purpose of making fuel which, at the time the mixing occurs, the permittee may lawfully burn pursuant to 310 CMR 7.00 and 30.000.

(4) The permittee shall immediately notify the Department of any change in the characteristics, composition, or source of any used oil fuel that would require that the used oil fuel be managed differently, that the conditions of the permit be changed, or that the permit be suspended or revoked.

(5) The permittee shall at all times comply with 310 CMR 30.530 through 30.534 (use of manifests by facilities).

30.270: Requirements Governing Class B(4) Regulated Recyclable Materials

310 CMR 30.270 through 30.279, cited collectively as 310 CMR 30.270, set forth standards for the handling of Class B(4) regulated recyclable materials, describe procedures for obtaining a permit to recycle Class B(4) regulated recyclable materials, and set forth the basic and optional conditions that may be imposed in such permits.

30.271: General Provisions

- (1) No person shall recycle any Class B(4) regulated recyclable material, or engage in any other activity involving Class B(4) regulated recyclable material if a Class B(4) permit is required for that activity, unless either
 - (a) that person has applied for and obtained a Class B(4) permit, said permit is in effect when the recycling or other activity is being done, and said permit authorizes the recycling or other activity being done, or
 - (b) the Class B(4) regulated recyclable material is recycled or otherwise handled in compliance with all provisions of 310 CMR 30.000 other than 310 CMR 30.200; or
 - (c) the Class B(4) regulated recyclable material is D011 silver fixer solution, the generator is a Very Small Quantity Generator and operates in compliance with 310 CMR 30.353, the generator need not apply for or obtain a Class B(4) permit.
- (2) If a person described in 310 CMR 30.271(1) has a Class B(4) permit issued pursuant to 310 CMR 30.270, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall
 - (a) not recycle any Class A, Class B(1), Class B(2), Class B(3), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (b) not receive from off the site of generation, or contract to receive from off the site of generation, any Class A, Class B(1), Class B(2), Class B(3), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity; and
 - (c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064.
- (3) A permit may be granted pursuant to 310 CMR 30.270 for the handling of Class B(4) regulated recyclable material only if the precious metals are actually recovered in the form of either a metal or an economically valuable chemical combination or compound. If precious metals are not intended to be, or are not, recovered from Class B(4) regulated recyclable material, such material shall be handled in compliance with 310 CMR 30.213 and 30.271, shall not be subject to any other provisions of 310 CMR 30.200, and shall be handled in compliance with all other applicable provisions of 310 CMR 30.000.

(4) Notwithstanding the provisions of 310 CMR 30.202(2) and 30.271(1), the Department may decide on a case-by-case basis that any person who intends to or does engage in any activity described in 310 CMR 30.271(1) shall comply with all provisions of 310 CMR 30.000 in lieu of the provisions of a Class B(4) permit.

(a) In every proceeding, the burden shall be on the applicant for, or the holder of, a Class B(4) permit to persuade the Department that the applicant or permittee intends to or does engage in any activity described in 310 CMR 30.271(1) in a manner that protects public health, safety, and welfare, and the environment.

(b) A Class B(4) permit shall be granted, and shall be allowed to remain in effect, only to the extent, and only while, the Department is persuaded that the applicant or permittee engages in, and will continue to engage in, the activity described in 310 CMR 30.271(1) in a manner that protects public health, safety, and welfare, and the environment.

(c) In making this decision, the Department may consider, among other things:

1. The types and amounts of materials that are, or are intended to be, accumulated or stored;
2. The method by which materials are, or are intended to be, accumulated or stored;
3. The length of time the materials have been, or are intended to be, accumulated or stored;
4. Whether any contaminants are being released into the environment, or are likely to be so released; and
5. Other relevant factors.

(d) If the Department decides that an applicant or permittee shall be regulated pursuant to all provisions of 310 CMR 30.000, the Department shall send to the applicant or permittee a brief written response giving a reason for the Department's decision. Except as provided in 310 CMR 30.890, the Department's decision shall not be subject to public notice, public comment, or public hearings.

(e) The applicant or permittee shall comply with the Department's decision and with all applicable provisions of 310 CMR 30.000 pursuant to a compliance schedule set forth in the decision, provided that transporters and owners or operators of facilities shall submit applicable permit applications within no less than 60 days and no more than six months after the date of the Department's final decision.

30.272: Generator Standards

(1) A generator of Class B(4) regulated recyclable material may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to either

- (a) a facility described in 310 CMR 30.305, or
- (b) a facility that has a Class B(4) permit pursuant to 310 CMR 30.270, or
- (c) a facility outside of Massachusetts that:

1. either is designated a facility by the EPA pursuant to 40 CFR Part 266 Subpart F, or that has an equivalent State designation or authorization; and
2. has in writing notified the generator and the Department, in compliance with 310 CMR 30.009, that it is in compliance with the requirements set forth in 310 CMR 30.272(1)(c)1.

(2) A generator of Class B(4) regulated recyclable material may sell or otherwise transfer custody or possession of such material only to a transporter in compliance with 310 CMR 30.274.

(3) A generator of Class B(4) regulated recyclable material who intends to or does sell or otherwise transfer, or contract to sell or otherwise transfer, such material to any other person, or who intends to or does cause or allow such material to be transported off the site of generation, shall at all times manage such material

- (a) as hazardous waste in full compliance with 310 CMR 30.300 and all other applicable provisions of 310 CMR 30.000, or
- (b) in full compliance with a Class B(4) recycling permit issued by the Department.

30.273: Generator Permits and Permit Applications

(1) Any generator wishing to manage Class B(4) regulated recyclable material in compliance with a Class B(4) permit shall apply to the Department for a Class B(4) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include a complete description of how the material will be managed in compliance with the requirements set forth or referred to in 310 CMR 30.270.

(2) In addition to conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth in 310 CMR 30.271, 30.272, and 30.274, the following conditions shall apply to each Class B(4) permit issued to generators, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

- (a) Except as specifically provided in 310 CMR 30.273(2)(b), the permittee shall accumulate and otherwise manage the material in compliance with 310 CMR 30.300.
- (b) The material may be accumulated at the site of generation for up to one calendar year without such accumulation being deemed storage, but only if such accumulation is not speculative accumulation.

30.274: Transport and Manifest Standards

(1) A transporter of Class B(4) regulated recyclable material shall either

- (a) be licensed to transport hazardous waste pursuant to 310 CMR 30.000, or
 - (b) have a Class B(4) permit issued pursuant to 310 CMR 30.275.
- (2) Any person who intends to or does transport Class B(4) regulated recyclable material shall at all times manage such material
 - (a) as hazardous waste in full compliance with 310 CMR 30.400 and all other applicable provisions of 310 CMR 30.000, or
 - (b) in full compliance with 310 CMR 30.274 and a Class B(4) recycling permit issued pursuant to 310 CMR 30.275.
- (3) Unless otherwise specifically provided in 310 CMR 30.274(3), all Class B(4) regulated recyclable material shall at all times be accompanied by a hazardous waste manifest filled out, signed, and distributed in compliance with all provisions of 310 CMR 30.000 governing the filling out, signing, and distribution of copies of manifests. The following material need not be accompanied by a manifest:
 - (a) Useable end products (e.g. metal ingots) of the recycling of Class B(4) regulated recyclable material when such end products are returned to trade use.
 - (b) Intermediate products of the recycling of Class B(4) regulated recyclable material if such products neither appear in the lists set forth in 310 CMR 30.131 through 30.136 nor have the characteristics of a hazardous waste set forth in 310 CMR 30.120 through 30.125.
- (4) A transporter of Class B(4) regulated recyclable material may transport such material, or cause or allow such material to be transported, only to a facility or transporter that is
 - (a) a Massachusetts facility that has a facility license pursuant to 310 CMR 30.800, or
 - (b) a Massachusetts facility that has a Class B(4) permit pursuant to 310 CMR 30.277, or
 - (c) a facility outside of Massachusetts that either is designated a facility by the EPA pursuant to 40 CFR Part 266 Subpart F, or that has an equivalent State designation or authorization, or
 - (d) another transporter who is either described in 310 CMR 30.403(2), (3), or (4), or who has a Class B(4) permit issued pursuant to 310 CMR 30.275.
- (5) If Class B(4) regulated recyclable material is accompanied by a manifest, a transporter of such material may transport such material, or cause or allow such material to be transported, only to a facility or transporter that is described in 310 CMR 30.274(4) and that is specified on the manifest accompanying the material.
- (6) If the transporter has a Class B(4) permit issued pursuant to 310 CMR 30.275 and does not have a license issued pursuant to 310 CMR 30.400 and 30.800, the transporter shall
 - (a) not collect or transport any Class A, Class B(1), Class B(2), Class B(3), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless the

transporter also has whatever license or permit is required by 310 CMR 30.000 for such activity, and

(b) collect such material, or cause or allow such material to be collected, only from

1. any generator in compliance with 310 CMR 30.300 or who has a Class B(4) permit pursuant to 310 CMR 30.273 or a person who generates only D011 silver fixer solution as described in 310 CMR 30.271(1)(c), or
2. a Massachusetts facility that has a facility license pursuant to 310 CMR 30.800, or
3. a Massachusetts facility that has a Class B(4) permit pursuant to 310 CMR 30.277, or
4. a facility outside of Massachusetts that either is designated a facility by the EPA pursuant to 40 CFR Part 266 Subpart F, or that has an equivalent State designation or authorization, or
5. a transporter who is either described in 310 CMR 30.403(2), (3), or (4), or who has a Class B(4) permit issued pursuant to 310 CMR 30.275, and

(c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064, and

(d) obtain and maintain in effect a certification or other written statement by and from the Massachusetts Department of Public Utilities that the transporter is in compliance with M.G.L. c. 159B, and

(e) comply with the requirements set forth in 310 CMR 30.404 through 30.406, 30.408 through 30.409, 30.412(1), 30.413, and 30.415, and

(f) have at all times on all vehicles used for the transport of Class B(4) regulated recyclable materials, while such materials are in the vehicles, all markings, including placards, required by statute or regulation applicable to such materials, and

(g) obtain and maintain in effect at all times evidence of financial responsibility acceptable to the Department, and

(h) have at all times in the cab of all vehicles used for transport of Class B(4) regulated recyclable materials, while such materials are in the vehicles information, in a form satisfactory to the Department, identifying the owner and operator of each vehicle.

30.275: Transporter Permits and Permit Applications

(1) Any person wishing to transport Class B(4) regulated recyclable material in compliance with a Class B(4) permit shall apply to the Department for a Class B(4) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include a complete description of how the applicant intends to comply with the requirements set forth or referred to in 310 CMR 30.270, including, without limitation, a complete description showing how the applicant proposes to meet the requirements set forth in 310 CMR 30.274(6)(f), (g), and (h).

(2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set

forth in 310 CMR 30.271 and 30.274 shall apply to each Class B(4) permit issued to transporters, regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

30.276: Recycling and Transfer Station Standards

(1) The provisions of 310 CMR 30.276 and 30.277 shall apply to any person who intends to or does

- (a) recycle Class B(4) regulated recyclable material, including but not limited to any generator who intends to or does recycle Class B(4) regulated recyclable material at the site of generation, or
- (b) receive and store Class B(4) regulated recyclable material not generated at the site of storage.

(2) Any person who intends to or does engage in any activity described in 310 CMR 30.276(1) shall at all times manage Class B(4) regulated recyclable material

- (a) as hazardous waste in full compliance with 310 CMR 30.500, 30.600, 30.700, 30.800, and 30.900, and all other applicable provisions of 310 CMR 30.000, or
- (b) in full compliance with a Class B(4) recycling permit issued by the Department.

(3) If a person described in 310 CMR 30.276(1) has a Class B(4) permit issued pursuant to 310 CMR 30.277, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall

- (a) comply with the requirements set forth in 310 CMR 30.512 (1), and
- (b) have the capability of quickly obtaining the results of a timely analysis of incoming materials to assess their hazardous characteristics and the quantity of recoverable precious metals they contain, and
- (c) comply with the requirements set forth in 310 CMR 30.514(1) and
- (d) comply with the requirements set forth in 310 CMR 30.515(1)(a) and (b), and
- (e) have and properly carry out a program of instruction or on-the-job training for employees who deal with hazardous regulated recyclable materials and wastes that teaches those employees to perform their duties in a way that ensures compliance with 310 CMR 30.000 and the conditions of the permit, and in a way that does not constitute or result in a significant potential or actual hazard to public health, safety, or welfare, or the environment, and
- (f) have, and properly carry out if and when necessary, a plan for emergencies and contingencies that prevents and minimizes hazards to public health, safety, and welfare, and the environment, from fires explosions, spills, or any other unplanned sudden or non-sudden release of hazardous constituents into air, soil, or surface or ground water, and
- (g) comply with the requirements set forth in 310 CMR 30.530 through 30.534, and

(h) comply with the requirements set forth in 310 CMR 30.560.

(4) If the person recycling or receiving the Class B(4) regulated recyclable material receives from off the site of generation, or otherwise comes to possess, any Class A, Class B(1), Class B(2), Class B(3), Class B(5), or Class C regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, which that person is not authorized to receive or otherwise possess, that person shall immediately so notify the Department and shall manage such material as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

30.277: Recycling and Transfer Station Permits and Permit Applications

(1) Any person wishing to engage in any activity described in 310 CMR 30.276(1) in compliance with a Class B(4) permit, including but not limited to any generator wishing to recycle Class B(4) regulated recyclable material at the site of generation, shall apply to the Department for a Class B(4) permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include a complete description of how the applicant intends to comply with the requirements set forth or referred to in 310 CMR 30.270, including, without limitation, a complete description showing how the applicant proposes to meet the requirements set forth in 310 CMR 30.276.

(2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set forth in 310 CMR 30.270 shall apply to each Class B(4) permit issued to persons who engage in any activity described in 310 CMR 30.276(1), regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

30.280: Requirements for Recycling Class B(5) Regulated Recyclable Materials

(1) Persons who own or operate facilities which receive Class B(5) regulated recyclable materials from offsite for the storage of spent lead-acid batteries and subsequently recycles them onsite for lead value shall maintain such facilities in compliance with all applicable provisions of 310 CMR 30.500, 30.600, 30.700, 30.800 and 30.900, and all other applicable provisions of 310 CMR 30.000.

(2) Except as otherwise provided in 30.280, the provisions of 310 CMR 30.000 shall not apply to the generation, accumulation, storage, collection, and transport of spent lead-acid batteries if:

- (a) said batteries are not, and are not intended to be, reclaimed for their lead content onsite, and
- (b) the electrolyte is safely contained within said batteries.

(3) Open or leaking lead-acid batteries, and electrolyte removed from lead-acid batteries, shall not be handled as regulated recyclable material and shall be handled as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

(4) Any person who intends to or does recycle Class B(5) regulated recyclable material, and who does not intend to and does not store such material before recycling it, shall at all times manage Class B(5) regulated recyclable material in full compliance with a Class C recycling permit issued by the Department pursuant to 310 CMR 30.296.

30.290: Requirements for Recycling Class C Regulated Recyclable Materials

310 CMR 30.290 through 30.299, cited collectively as 310 CMR 30.290, set forth standards for the handling of Class C regulated recyclable materials, describe procedures for obtaining a permit to recycle Class C regulated recyclable materials, and set forth the basic and optional conditions that may be imposed in such permits.

30.291: General Provisions

(1) No person shall recycle any Class C regulated recyclable material, or engage in any other activity involving Class C regulated recyclable material if a Class C permit is required for that activity, unless either:

- (a) that person has applied for and obtained a Class C permit, said permit is in effect when the recycling or other activity is being done, and said permit authorizes the recycling or other activity being done, or
- (b) the Class C regulated recyclable material is recycled or otherwise handled in compliance with all provisions of 310 CMR 30.000 other than 310 CMR 30.200.

(2) If a person described in 310 CMR 30.291(1) has a Class C permit issued pursuant to 310 CMR 30.290, and does not have a license issued pursuant to 310 CMR 30.500, 30.600, 30.700, and 30.800, that person shall:

- (a) not recycle any Class A, Class B(1), Class B(2), Class B(3), Class B(4), or Class B(5) regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity, and
- (b) not receive from off the site of generation, or contract to receive from off the site of generation, any Class A, Class B(1), Class B(2), Class B(3), Class B(4), or Class B(5) regulated recyclable material, or any other material that is regulated pursuant to 310 CMR 30.000, unless that person also has whatever license or permit is required by 310 CMR 30.000 for such activity, and
- (c) notify the EPA and the Department pursuant to 310 CMR 30.060 through 30.064.

(3) Unless otherwise specified in 310 CMR 30.290, Class C regulated recyclable materials shall not be handled as recyclable material and shall be handled as hazardous waste in compliance with all applicable provisions of 310 CMR 30.000.

30.292: Generator Standards for Class C Regulated Recyclable Materials

Generators of Class C regulated recyclable material shall at all times manage such material in full compliance with 310 CMR 30.300 and all other applicable provisions of 310 CMR 30.000.

30.293: Transporter Standards for Class C Regulated Recyclable Materials

Transporters of Class C regulated recyclable material shall at all times manage such material in full compliance with 310 CMR 30.400 and all other applicable provisions of 310 CMR 30.000.

30.294: Standards for Those Who Store Class C Regulated Recyclable Materials Before Those Materials Are Recycled

(1) The provisions of 310 CMR 30.294 shall apply to any person who intends to or does

- (a) recycle Class C regulated recyclable material not generated at the site of recycling, and receive and store such material at the site of recycling before recycling it, or
- (b) receive and store Class C regulated recyclable material not generated at the site of storage.

(2) Any person who intends to or does engage in any activity described in 310 CMR 30.294(1) shall at all times manage Class C regulated recyclable material as hazardous waste in full compliance with 310 CMR 30.001 through 30.064, 30.100, 30.500, 30.600, 30.700, 30.800, and 30.900.

30.295: Standards for Those Who Recycle Class C Regulated Recyclable Materials Without Prior Storage

(1) Any person who intends to or does recycle Class C regulated recyclable material not generated at the site of recycling, and who intends to or does receive that material from off the site of generation directly into the recycling process so that there is no storage of that material at the site of recycling before that material is recycled, shall at all times manage all such materials in the recycling process, and all such materials received from off the site of generation, in compliance with either:

- (a) a hazardous waste license issued pursuant to 310 CMR 30.800, and all provisions of 310 CMR 30.000 other than 310 CMR 30.200, or
- (b) a Class C permit issued pursuant to 310 CMR 30.296.

(2) Any person who intends to or does recycle Class C regulated recyclable material not generated at the site of recycling, and who intends to or does receive that material from off the site of generation directly into the recycling process so that there is no storage of that material at the site of recycling before that material is recycled, all in compliance with a Class C permit issued pursuant to 310 CMR 30.296, shall at all times

- (a) be in compliance with requirements set forth in 310 CMR 30.001 through 30.064 and 30.100; and
- (b) be in compliance with requirements set forth in 310 CMR 30.502, 30.511 through 30.516, 30.521 through 30.524, 30.530 through 30.534, 30.540 through 30.545, 30.560, 30.561, and 30.580 through 30.586; and
- (c) be in compliance with requirements set forth in 310 CMR 30.602, 30.605, 30.660 through 30.675, and 30.680 through 30.698, provided that no Class C regulated recyclable material shall be placed into any waste pile or surface impoundment; and
- (d) be in compliance with requirements set forth in 310 CMR 30.700 with regard to new facilities or modifications of existing facilities; and
- (e) obtain and maintain in effect evidence of financial responsibility acceptable to the Department.

30.296: Recycling Permits and Permit Applications for Those Who Recycle Class C Regulated Recyclable Materials Without Prior Storage

(1) Any person wishing to recycle Class C regulated recyclable material not generated at the site of recycling, and who intends to receive that material from off the site of generation directly into the recycling process so that there is no storage of that material at the site of recycling before that material is recycled, all in compliance with a Class C permit, shall apply to the Department for a Class C permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:

- (a) a complete description of how the applicant intends to comply with the requirements set forth or referred to in 310 CMR 30.295(2), including, without limitation, a complete description showing how the applicant proposes to meet the requirements set forth in 310 CMR 30.295(2)(e); and
- (b) a complete description of how the applicant intends to receive the Class C regulated recyclable material from off the site of generation directly into the recycling process so that there will be no storage of that material at the site of recycling before that material is recycled; and
- (c) the information required by 310 CMR 30.803 and 30.804(1) through (5), (24) and (25).

(2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, the standards set forth in 310 CMR 30.295(2), and the provisions set forth in 310 CMR 30.810 through 30.829 and 30.850 through 30.890 shall apply to each Class C permit issued to persons who engage in any activity described in 310 CMR 30.296(1), regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are

written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

(3) A permit issued pursuant to 310 CMR 30.296 shall be issued in compliance with the public notice and comment requirements of 310 CMR 19.033 through 19.036.

30.297: Standards for Those Who Recycle Class C Regulated Recyclable Materials At the Site of Generation

- (1) Any person who intends to or does recycle Class C regulated recyclable material generated only at the site of recycling shall at all times manage all such material in compliance with either
 - (a) a hazardous waste license issued pursuant to 310 CMR 30.800, and all provisions of 310 CMR 30.000 other than 310 CMR 30.200, or
 - (b) a Class C permit issued pursuant to 310 CMR 30.298.
- (2) Any person who intends to or does recycle Class C regulated recyclable material generated only at the site of recycling in compliance with a Class C permit issued pursuant to 310 CMR 30.298 shall at all times
 - (a) be in compliance with requirements set forth in 310 CMR 30.001 through 30.064 and 30.100; and
 - (b) be in compliance with requirements set forth in 310 CMR 30.300, provided that requirements set forth in 310 CMR 30.500 through 30.900 shall not apply by virtue of any usage of the Class C regulated recyclable material; and
 - (c) be in compliance with requirements set forth in 310 CMR 30.602, 30.605, and 30.680 through 30.699, provided that no Class C regulated recyclable material shall be placed into any waste pile or surface impoundment.

30.298: Recycling Permits and Permit Applications for Those Who Recycle Class C Regulated Recyclable Materials At the Site of Generation

- (1) Any person wishing to recycle Class C regulated recyclable material generated only at the site of recycling in compliance with a Class C permit shall apply to the Department for a Class C permit to do so. The application shall be on a form acceptable to the Department. In addition to what is set forth in 310 CMR 30.204, the application shall include:
 - (a) a complete description of how the applicant intends to comply with the requirements set forth or referred to in 310 CMR 30.297(2); and
 - (b) a complete description of the recycling process and an explanation of why the recycling system cannot be, and should not be required to be, designed to be a completely enclosed system qualifying for a Class A recycling permit.
- (2) Conditions imposed pursuant to 310 CMR 30.202(2), the general conditions set forth in 310 CMR 30.205 and 30.206, and the standards set

forth in 310 CMR 30.297(2) shall apply to each Class C permit issued to persons who engage in any activity described in 310 CMR 30.298(1), regardless of whether or not such conditions are written into the permit. Permittees shall comply with such conditions whether or not they are written into the permit. Failure to comply shall be grounds for an enforcement action, including, without limitation, permit suspension or revocation.

30.300: REQUIREMENTS FOR GENERATORS OF HAZARDOUS WASTES

30.301: Purpose, Scope, and Applicability

- (1) 310 CMR 30.301 through 30.399, cited collectively as 310 CMR 30.300, prescribe standards for generators of hazardous waste.
- (2) Any person who imports hazardous waste into Massachusetts from outside the United States shall comply with the standards applicable to generators prescribed in 310 CMR 30.300.
- (3) A person who generates a hazardous waste, as identified or otherwise described in 310 CMR 30.100, is subject to the compliance requirements and penalties prescribed in M.G.L. c. 21C, § 10 if that person does not comply with 310 CMR 30.000. Such noncompliance may also subject a person who generates a hazardous waste to the federal penalties prescribed in § 3008 of RCRA.
- (4) An owner or operator of a facility who initiates a shipment of hazardous waste from a facility shall comply with the generator requirements prescribed in 310 CMR 30.300.
- (5) Massachusetts universities and the departments participating in the Laboratory XL project (“Universities”) are identified in Table 1 of 40 CFR 262.10, as in effect on September 28, 1999, and which is hereby adopted and incorporated by reference. These Universities generate laboratory wastes (as defined in 40 CFR 262.102, as adopted and amended at 310 CMR 30.354(2)), some of which will be hazardous wastes. As long as the University complies with all of the requirements of 40 CFR 262, Subpart J, as adopted and amended at 310 CMR 30.354(2), the Universities’ laboratories that are participating in the XL project are not subject to the following generator provisions with respect to laboratory waste:
 - (a) 310 CMR 30.302 – Hazardous Waste Determination; and
 - (b) 310 CMR 30.340(6) or 30.351(4), as applicable – Satellite Accumulation for Large Quantity Generators or Small Quantity Generators.

[NOTE: Pursuant to the Final Project Agreement, each University shall have the right to change its respective Departments or the on-site location of its hazardous waste accumulation areas listed in Table 1 of 40 CFR 262.10 upon written notice to the Regional Administrator for EPA – Region I and the Department. Such written notice shall be provided at least ten days prior to the effective date of any such changes.]

30.302: Determination of Whether a Waste is Hazardous

Any person who generates a waste shall determine if that waste is a hazardous waste, as identified or otherwise described in 310 CMR 30.100, as follows:

- (1) First, determine whether the waste is excluded from regulation pursuant to 310 CMR 30.104.
- (2) Next, determine if the waste is listed as a hazardous waste in 310 CMR 30.130 through 30.136.
- (3) For purposes of compliance with the land disposal restrictions set forth in 40 CFR Part 268 or if the waste is not listed as a hazardous waste in 310 CMR 30.130 through 30.136, determine whether the waste is hazardous waste pursuant to 310 CMR 30.120 through 30.125 by doing either of the following:
 - (a) Testing the waste according to the methods set forth in 310 CMR 30.151 through 30.157 or according to an equivalent method.
 - (b) Applying knowledge of the hazardous characteristics of the waste in light of the materials or the process used.

30.303: Requirements Governing Notification, Identification Numbers, and Change of Status Requests

- (1) A generator shall not treat, store, use, dispose of, transport, or offer for transportation, hazardous waste without having received either an EPA identification number from the Department in compliance with 310 CMR 30.060 through 30.064 or a Massachusetts identification number from the Department in compliance with 310 CMR 30.353(5).
- (2) A generator who has not received an identification number may obtain one by applying to the Department on a form prescribed by the Department as follows:
 - (a) a Small Quantity Generator of waste having only Massachusetts hazardous waste numbers and a Very Small Quantity Generator shall register with the Department pursuant to 310 CMR 30.353(5); and
 - (b) all other generators shall notify the Department pursuant to 310 CMR 30.060 through 30.064.
- (3) The following generators shall promptly submit to the Department, in writing, a change of status notification:
 - (a) A Small Quantity Generator pursuant to 310 CMR 30.351 who becomes a Large Quantity Generator subject to 310 CMR 30.340.
 - (b) A Very Small Quantity Generator pursuant to 310 CMR 30.353 who becomes a Small Quantity Generator pursuant to 310 CMR 30.351 or a Large Quantity Generator subject to 310 CMR 30.340.
- (4) Each change of status notification submitted pursuant to 310 CMR 30.303(3) shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. If the Department prescribes a form for such a notification, the generator submitting the notification shall use such form when making the notification. Such a notification shall specify that the generator's new status is a Small Quantity Generator, or a Large

Quantity Generator, whichever is the case. The generator shall not thereafter change status except as provided in 310 CMR 30.303 and all other applicable requirements.

(5) A Large Quantity Generator subject to 310 CMR 30.340 who ceases to be a Large Quantity Generator and instead becomes a Small Quantity Generator pursuant to 310 CMR 30.351 may submit to the Department, in writing, a change of status request.

(6) No change of status described in 310 CMR 30.303(5) shall take effect unless and until a change of status request is submitted to the Department in compliance with 310 CMR 30.303. A request submitted in compliance with 310 CMR 30.303 shall include a certification by the generator that the generator is in compliance with 310 CMR 30.351. Such a request and certification shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. If the Department prescribes a form for such a request and certification, the generator shall use such form when making the request and certification. The generator shall follow such procedures as may be required, requested, or authorized by the Department to change its status to Small Quantity Generator.

(7) A Large Quantity Generator subject to 310 CMR 30.340 or a Small Quantity Generator subject to 310 CMR 30.351 who becomes a Very Small Quantity Generator pursuant to 310 CMR 30.353 may submit to the Department, in writing, a change of status request.

(8) No change of status described in 310 CMR 30.303(7) shall take effect unless and until a change of status request is submitted to the Department in compliance with 310 CMR 30.303 and a registration of Very Small Quantity Generator activity is submitted to the Department in compliance with 310 CMR 30.353(5). A request submitted in compliance with 310 CMR 30.303 shall include a certification by the generator that the generator is in compliance with 310 CMR 30.353. Such a request and certification shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. If the Department prescribes a form for such a request and certification, the generator shall use such form when making the request and certification. The generator shall follow such procedures as may be required, requested, or authorized by the Department to change his status to Very Small Quantity Generator.

(9) Any person who is a hazardous waste generator who ceases to be a generator at a particular site, and who wishes to cease having the status of a generator at that site, may submit to the Department, in writing, a change of status request. No such change of status shall take effect unless and until a change of status request is submitted to the Department in compliance with 310 CMR 30.303(9). Such a request shall include a certification that no hazardous waste or regulated recyclable material is being generated or accumulated at the site for which notification is required, and that the generator has complied with the closure requirements of 310 CMR 30.689. Such a request and certification shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. The generator shall use a form prescribed by the Department when making the request and certification. The generator shall follow such procedures as may be required, requested, or authorized by the Department to cease his status as a generator at that site. The generator shall not thereafter generate any hazardous waste or regulated recyclable material at that site except in compliance with 310 CMR 30.060 through 30.064 and all other applicable requirements. In addition, the generator shall not accumulate 5,000 kg or more total of universal waste

at that site unless such universal wastes are managed in compliance with 310 CMR 30.1000.

30.304: Offering Hazardous Wastes for Transportation

- (1) A generator shall not transfer custody or possession of hazardous waste to any person unless that person has at that time both an EPA identification number and a valid license from the Department for the transport of that hazardous waste.
- (2) A generator shall not itself transport hazardous waste off the site of generation unless that generator has at that time a valid license from the Department to transport that hazardous waste.
- (3) All vehicles used for transportation of hazardous waste shall have at that time a valid vehicle identification device issued by the Department and shall be in compliance with the requirement of 310 CMR 30.416.

30.305: Destination of Hazardous Waste or Regulated Recyclable Material Sent Off-Site

A generator sending hazardous waste or regulated recyclable material off the site of generation shall send such waste or material only to the following facilities or persons:

- (1) Except as specifically provided otherwise in 310 CMR 30.353, hazardous waste shall be sent only to a facility having a valid EPA Identification Number for the treatment, storage, or disposal of those wastes.
 - (a) If in Massachusetts, the facility shall have at that time:
 1. interim status or a valid license issued by the Department pursuant to M.G.L. c. 21C to receive such hazardous waste; or
 2. interim status from EPA issued pursuant to 310 CMR 30.099, if required pursuant to § 3006(g) of RCRA; or
 3. a valid permit from EPA, if required pursuant to § 3006(g) of RCRA, issued in compliance with 310 CMR 30.800; and
 4. complied with 310 CMR 30.512.
 - (b) If in a State other than Massachusetts, the facility shall have at that time:
 1. interim status from EPA issued pursuant to 40 CFR Parts 270, or
 2. a valid permit issued by EPA pursuant to 40 CFR Part 270, or
 3. interim status or a valid permit issued by a State authorized pursuant to 40 CFR Part 271, or
 - (c) If the facility is in a State other than Massachusetts and if the wastes are not hazardous waste in that State, the facility shall at that time have the authority to receive such waste.
- (2) Regulated recyclable material shall be sent only to a facility or person authorized to receive that material in compliance with 310 CMR 30.200.
- (3) A person outside the United States, in accordance with the provisions of 310 CMR 30.361.

(4) A facility having at that time a research, development, and/or demonstration permit issued by the EPA pursuant to § 3005(g) of RCRA.

(a) If the facility is located in Massachusetts, the facility shall also at that time be approved by the Department pursuant to 310 CMR 30.863, and the hazardous waste delivered to the facility shall be handled in full compliance with the applicable provisions of 310 CMR 30.000 prior to its delivery to the facility.

(b) If the facility is located outside of Massachusetts, the facility shall at that time be lawfully in existence pursuant to laws and regulations in effect in the place where the facility is located, and the hazardous waste delivered to the facility shall be handled in full compliance with the applicable provisions of 310 CMR 30.000 prior to its delivery to the facility.

(5) Generators of hazardous wastes which contain PCBs in concentrations equal to or greater than 50 parts per million shall send such wastes only to facilities which meet all the requirements in 310 CMR 30.501(3)(a), (b) and (c), or shall, with the approval of the Department, otherwise cause such hazardous wastes to be managed in compliance with the provisions of 40 CFR Part 761, as in effect on July 1, 2002, and 40 CFR part 268.

30.310: The Manifest

310 CMR 30.311 through 30.316, cited collectively as 310 CMR 30.310, establish the general requirements for completing hazardous waste manifests and set forth the particular manifest forms acceptable to the Department as well as the form-specific requirements for manifest completion and distribution.

30.311: General Requirements

(1) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, disposal or use, shall ensure that all required information has been provided in a complete and accurate manner and in compliance with 310 CMR 30.310 before the waste is transported off-site. Failure to complete any applicable portion of the manifest in compliance with 310 CMR 30.000 and the directions on the manifest shall be a violation of M.G.L. c. 21C and of 310 CMR 30.000.

(2) The generator shall designate on the manifest the primary transporter and all continuing transporters.

(3) The generator shall designate on the manifest one facility to receive the hazardous waste described on the manifest. The designated facility shall meet the requirements of 310 CMR 30.305.

(4) The generator may also designate on the manifest one alternate facility to receive the hazardous waste described on the manifest in the event an emergency prevents delivery of the waste to the primary designated facility. The alternate facility shall meet the requirements of 310 CMR 30.305.

(5) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility, which shall meet the requirements of 310 CMR 30.305, or instruct the transporter to return the waste to the generator. In such a case, the generator shall keep a record of all communications with the transporter regarding what happened to any hazardous waste which has left the generator's custody or possession. The generator shall promptly submit this record to the Department.

30.312: Form of the Manifest

(1) Unless the use of an alternative form of manifest is allowed pursuant to 310 CMR 30.312(2) through (8), a Large Quantity Generator or Small Quantity Generator shall use the eight part manifest form prescribed by the Department in compliance with 310 CMR 30.311 through 30.314. Examples of generators subject to 310 CMR 30.313 and 30.314 include but are not limited to:

- (a) Small Quantity Generators and Large Quantity Generators who are shipping quantities of waste oil together with quantities of hazardous waste;
- (b) Generators located outside Massachusetts, who are shipping any wastes regulated as hazardous waste by the state of origin into Massachusetts, if the state of origin requires that waste to travel on a manifest; and
- (c) Generators located outside Massachusetts, who are shipping waste regulated by 310 CMR 30.000 into Massachusetts.

(2) A Small Quantity Generator operating in compliance with 310 CMR 30.351, or a Very Small Quantity Generator operating in compliance with 310 CMR 30.353, that ships waste off-site for reclamation pursuant to a contractual agreement shall use the two part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.315 instead of the eight part form if such wastes are reclaimed and the material thus reclaimed is returned to the Small Quantity Generator or Very Small Quantity Generator pursuant to a contractual agreement in which:

- (a) the type of waste and frequency of shipments are specified in the agreement; and
- (b) the vehicles used to transport the waste to the recycling facility and to deliver the reclaimed material back to the generator are owned and operated by the person who reclaims the waste.

(3) A Small Quantity Generator or Large Quantity Generator of waste oil may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form.

(4) A generator sending waste to a Massachusetts research, demonstration and development facility approved pursuant to 310 CMR 30.863 may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form.

(5) A Small Quantity Generator, Large Quantity Generator, or sample collector sending research study samples to a Massachusetts research facility licensed pursuant to 310 CMR 30.864 may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form if:

- (a) the research study sample is being managed in compliance with 310 CMR 30.104(3)(d)); and
 - (b) the following materials are returned to the generator or sample collector pursuant to a contractual agreement:
 - 1. any unprocessed as received wastes, and
 - 2. any non-commodity-like hazardous wastes resulting from or remaining after processing such wastes.
- (6) A Massachusetts generator sending hazardous waste to a Massachusetts facility may use the four part manifest form in compliance with 310 CMR 30.311, 30.312 and 30.316 instead of the eight part manifest form.
- (7) Generators who are shipping hazardous wastes to a facility located outside of Massachusetts shall use the manifest of the destination state unless:
- (a) the destination state does not have a manifest form, in which case, the Massachusetts eight part form shall be used; or
 - (b) the destination state is within New England, in which case, the generator can use either the Massachusetts form or the form of the destination state.
- (8) If a generator uses a form specified by a State other than Massachusetts, the generator shall provide copies of equivalent forms to the Department.

30.313: Number and Distribution of Copies for Eight-Part Manifest

The manifest shall consist of eight copies, numbered from top to bottom as, respectively, Copy 1, Copy 2, Copy 3, Copy 4, Copy 5, Copy 6, Copy 7, and Copy 8. These copies shall be signed, distributed, and retained as set forth in 310 CMR 30.313(1) through (9).

- (1) Copy 8 shall be:
 - (a) signed by the generator and transporter, and then
 - (b) retained by the generator.
- (2) Copy 7 shall be:
 - (a) signed by the generator and transporter, and then
 - (b) transmitted by the generator to the Department within ten days of the date the shipment begins.
- (3) Copy 6 shall be:
 - (a) signed by the generator and transporter, and then
 - (b) within ten days of the date the shipment begins, transmitted by the generator to the appropriate agency of the State in which the facility is located. If the facility is located in Massachusetts, the generator shall transmit this copy to the Department.
- (4) Copy 5 shall be:
 - (a) signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then
 - (b) retained by the first transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall:

1. photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it and
 2. retain the photocopy.
- (5) Copy 4 shall be
- (a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
 - (b) retained by the facility.
- (6) Copy 3 shall be
- (a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
 - (b) within fourteen (14) days of the date the shipment is received by the facility, transmitted by the facility to the generator.
 - (c) If a generator sends waste to a facility located outside of Massachusetts and that facility is not required to send a copy of the manifest to the state of origin, the generator shall photocopy a fully executed Copy 3 (i.e., the copy of the manifest that the generator receives that is signed by the facility) and send it to the Department within ten days of receiving it from the facility.
- (7) Copy 2 shall be:
- (a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
 - (b) within fourteen (14) days of the date the shipment is received by the facility, transmitted by the facility to the appropriate agency of the State in which the generator is located. If the generator is located in Massachusetts, the facility shall transmit this copy to the Department.
- (8) Copy 1 shall be:
- (a) signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
 - (b) within fourteen (14) days of the date the shipment is received by the facility, transmitted by the facility to the appropriate agency of the State in which the facility is located. If the facility is located in Massachusetts, the facility shall transmit this copy to the Department.
- (9) If a generator sends hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that:
- (a) any out-of-state transporter signs and forwards the manifest to the designated facility; and
 - (b) any such facility signs and forwards the manifest to the generator.

30.314: Use of the Eight Part Manifest

- (1) The generator shall do the following:
 - (a) Sign the manifest certification by hand;
 - (b) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - (c) Retain three copies and distribute as follows:

1. one copy shall be sent to the Department within 10 days of the initiation of the shipment;
 2. another copy shall be sent to the appropriate agency of the destination state, if the facility is located outside of Massachusetts, within 10 days of the initiation of the shipment; and
 3. the third copy shall be retained in the generator's records in compliance with 310 CMR 30.331(1)(a).
- (2) The generator shall give the transporter the remaining copies of the manifest.
- (3) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.314, to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water out of the United States. Copies of the manifest are not required for each transporter.
- (4) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest, dated and signed in compliance with 310 CMR 30.311 through 30.314, to:
- (a) The next non-rail transporter, if any; or
 - (b) The designated facility, if transported solely by rail; or
 - (c) The last rail transporter to handle the waste in the United States if exported by rail.
- (5) The provisions of 310 CMR 30.311 through 30.314 shall apply whenever an eight part manifest is required, and whenever an eight part manifest is used even if not required. However, if only non-hazardous wastes are shipped using a hazardous waste manifest, then the generator need not send a copy of the manifest to the Department.

30.315: Two-part Manifest Requirements for Waste Reclaimed Pursuant to a Contractual Agreement

- (1) The manifest shall consist of two copies, numbered from top to bottom as, respectively, Copy 1 and Copy 2. These copies shall be signed, distributed, and retained as follows:
- (a) Copy 2 shall be
 1. signed by the generator and transporter, and then
 2. retained by the generator in compliance with 310 CMR 30.331(1)(b).
 - (b) Copy 1 shall be
 1. signed by the generator and the facility owner or operator or his designee, and then
 2. retained by the facility.
- (2) The Department may prescribe a form for recording the information required pursuant to 310 CMR 30.311. If the Department prescribes such a form, it shall be used by the Small Quantity Generator or Very Small Quantity Generator to record such information.

(3) The Small Quantity Generator or Very Small Quantity Generator shall retain a copy of all information required by 310 CMR 30.311 and the reclamation agreement in compliance with 310 CMR 30.331.

(4) The provisions of 310 CMR 30.311, 30.312 and 30.315 shall apply whenever a two-part manifest for waste reclaimed pursuant to a contractual agreement is required, and whenever such a manifest is used even if not required.

30.316: Four-Part Manifest Requirements for Waste Oil, Wastes sent to Research Demonstration and Development Facilities, Research Study Waste, and Intra-state Shipments

(1) The manifest shall consist of four copies, numbered from top to bottom respectively, as Copy 1, Copy 2, Copy 3, and Copy 4. These copies shall be signed, distributed and retained as set forth in 310 CMR 30.316(1)(a) through (d).

(a) Copy 4 shall be:

1. signed by the generator and transporter, and then
2. retained by the generator in compliance with the applicable provisions of 310 CMR 30.331(1)(a) or (b).

(b) Copy 3 shall be:

1. signed by the generator and transporter, and by either the continuing transporter (if any) or by the facility owner or operator or his designee, and then
2. retained by the transporter. If the hazardous waste is transported by a continuing transporter, said continuing transporter shall (1) photocopy Copy 1 of the manifest after the facility owner or operator or his designee has signed it and (2) retain the photocopy.

(c) Copy 2 shall be:

1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
2. retained by the facility.

(d) Copy 1 shall be:

1. signed by the generator, the transporter(s), and the facility owner or operator or his designee, and then
2. within 14 days of the date of the shipment is received by the facility, transmitted by the facility to the generator.

(2) The Small Quantity Generator and Large Quantity Generator using the four-part manifest pursuant to 310 CMR 30.312(3), (4) or (5) shall comply with 310 CMR 30.314(1)(a) and (b), and (2) through (4).

(3) The provisions of 310 CMR 30.311, 30.312 and 30.316 shall apply whenever a four-part manifest for waste oil or research study waste is required, and whenever such a manifest is used even if not required.

30.320: Pre-Transport Requirements

30.321: Packaging

Before transporting hazardous waste or offering hazardous waste for transportation off-site, the generator shall package the waste in compliance with applicable regulations of the DOT, 49 CFR Parts 173, 178, and 179.

30.322: Labelling

Before transporting or offering hazardous waste for transportation off-site, the generator shall label each package in compliance with the applicable regulations of the DOT, 49 CFR Part 172.

30.323: Marking

(1) Before transporting or offering hazardous waste for transportation off-site, the generator shall mark each package of hazardous waste in compliance with the applicable regulations of the DOT, 49 CFR Part 172.

(2) Before transporting hazardous waste or offering hazardous waste for transportation off-site, the generator shall mark each container of 110 gallons or less used in such transportation with the following words and information displayed in compliance with the requirements of 49 CFR § 172.304.

HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Manifest Document Number _____

30.324: Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off-site, the generator shall placard, or offer the initial transporter the appropriate placards, in compliance with regulations of the DOT, 49 CFR Part 172, Subpart F.

30.330: Recordkeeping and Reporting

30.331: Record keeping

(1) Retention of manifest documents.

(a) Whenever required or whenever used even if not required, the following manifests shall be kept by the generator for three years from the date the waste was accepted by the initial transporter:

1. Copy 8 of the eight part form referenced in 310 CMR 30.312(1); however, once a fully executed copy 3 is received by the generator, then this copy 3 shall be kept on file instead of or in addition to the partially executed copy 8.

2. Copy 4 of the four part form referenced in 310 CMR 30.312(3) or (4); however, once a fully executed copy 1 is received by the generator, then this copy 1 shall be kept on file instead of or in addition to the partially executed copy 4.

(b) Whenever required or whenever used even if not required, the following manifests shall be kept by the generator for three years after the termination or expiration of the applicable agreement:

1. Copy 4 of the four part form referenced in 310 CMR 30.312(5), however, once a fully executed copy 1 is received by the generator, then this copy 1 shall be kept on file instead of or in addition to the partially executed copy 4.

2. Copy 2 of the two part form referenced in 310 CMR 312(2).

(2) Agreements.

(a) A generator that reclaims wastes pursuant to a contractual agreement and uses a two part manifest form pursuant to 310 CMR 30.312(2) shall retain a copy of the reclamation agreement referenced therein for three years after its termination or expiration.

(b) A generator that sends research study samples to a research facility pursuant to a contractual agreement and uses a four part manifest form pursuant to 310 CMR 30.312(5) shall retain a copy of the agreement referenced therein for three years after its termination or expiration.

(3) A generator shall keep a copy of all reports required pursuant to 310 CMR 30.332 or 30.333 as follows:

(a) Each Biennial Report shall be kept for a period of at least three years from the due date of the report.

(b) Each Exception Report shall be kept for a period of at least three years from the due date of the report.

(4) A generator shall keep records of any test results, waste analyses, or other determinations made in compliance with 310 CMR 30.302 for at least three years from the date that the hazardous waste was last sent to treatment, use, storage, disposal, at or off the site of generation.

30.332: Biennial Reporting

(1) A Large Quantity Generator, as described in 310 CMR 30.340(1), who transports or offers for transportation any hazardous waste off the site of generation shall prepare and submit a copy of a Biennial Report to the Commissioner by March 1 of each even-numbered year. The Biennial Report shall be submitted in compliance with 310 CMR 30.006 on EPA Form 8700-13A. The report shall cover activities during the previous calendar year and shall include at least the following information:

(a) The EPA identification number, name and address of the generator;

(b) The calendar year covered by the report;

(c) The EPA identification number, name and address of each off-site facility in the United States to which hazardous waste was sent during the year;

(d) The name and EPA identification number of the transporters used during the reporting year for shipments to an off-site facility within the United States;

- (e) A description, EPA hazardous waste number, DOT hazard class, and the quantity of each hazardous waste sent to an off-site facility within the United States. This information shall be listed by the EPA identification number of each such off-site facility to which waste was sent.
- (f) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- (g) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years going back to 1984. This comparison shall also be made to years prior to 1984 to the extent such information is available for years prior to 1984.
- (h) The information described in 310 CMR 30.104(3)(b)2.g.(iii) and 30.104(3)(d)2.f.(iii) on the waste involved in any treatability or research studies.
- (i) The certification signed by the generator or authorized representative in compliance with 310 CMR 30.009.

(2) Any Large Quantity Generator who treats, stores, or disposes of hazardous waste at the site of generation shall submit a Biennial Report covering those wastes in compliance with the provisions of 310 CMR 30.544.

(3) Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR 262.56, as adopted at 310 CMR 30.361.

(4) Reporting for waste managed in a wastewater treatment unit in compliance with 310 CMR 30.605 is not required on the Biennial Report form.

(5) Reporting for all Class A and state-only regulated Class B and Class C regulated recyclable materials, managed in compliance with 310 CMR 30.200, is not required on the Biennial Report form. Reporting for all federally regulated Class B and Class C regulated recyclable materials, managed in compliance with 310 CMR 30.200, is required on the Biennial Report form.

30.333: Exception Reporting

(1) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the hazardous waste was accepted by the initial transporter, the generator shall contact the transporter or the owner or operator of the designated facility, or both if necessary, to determine the status of the hazardous waste.

(2) If a generator does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the hazardous waste was accepted by the initial transporter, the generator shall submit an Exception Report to the Department. If the designated facility is located outside of Massachusetts, the generator shall also submit an Exception Report to the State in which the designated facility is located. The Exception Report shall include the following:

- (a) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(b) A cover letter signed by the generator or an authorized representative of the generator explaining the efforts taken to locate the hazardous waste and the results of those efforts.

30.334: Additional Reporting

(1) The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or otherwise described in 310 CMR 30.120 through 30.125 and 30.130 through 30.136.

(2) Duty to Provide Information. Any person who has notified or registered with the Department as a generator pursuant to 310 CMR 30.061, 30.303(1), or 30.353(5), shall provide the Department, within a reasonable time, any information which the Department may request and which is deemed by the Department to be relevant in determining whether the generator is in compliance with 310 CMR 30.000 as applicable. All reports providing such requested information shall be signed and submitted to the Department in compliance with 310 CMR 30.006 and 30.009.

30.340: Large Quantity Generators

(1) A generator who is not a Small Quantity Generator pursuant to 310 CMR 30.351 or a Very Small Quantity Generator pursuant to 310 CMR 30.353 is a Large Quantity Generator.

(2) A Large Quantity Generator shall comply with the requirements set forth or referred to 310 CMR 30.340 through 30.343, and with all other applicable requirements of 310 CMR 30.000. A generator should also be aware of the need to comply with the federal land disposal restrictions set forth in 40 CFR part 268.

(3) A Large Quantity Generator may manage its regulated recyclable materials in compliance with 310 CMR 30.200 and manage its universal wastes in compliance with 310 CMR 30.1000.

(4) A Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license from the Department and without obtaining interim status provided that the following requirements are complied with:

- (a) The waste shall be accumulated in compliance with the general accumulation standards of 310 CMR 30.341.
- (b) The waste shall be accumulated in containers or tanks or both.
 - 1. Waste placed in containers shall be managed in compliance with 310 CMR 30.342.
 - 2. Waste placed in tanks shall be managed in compliance with 310 CMR 30.343.

(5) A Large Quantity Generator may accumulate wastewater treatment sludges from electroplating operations identified in 310 CMR 30.133 as EPA Hazardous Waste No. F006 at the site of generation for 180 days or less without a storage license and without obtaining interim status provided:

- (a) The F006 waste is accumulated in containers or tanks or both.

1. F006 waste placed in containers shall be managed in compliance with 310 CMR 30.342.
 2. F006 waste placed in tanks shall be managed in compliance with 310 CMR 30.343.
 - (b) The F006 waste is legitimately recycled off-site through metals recovery;
 - (c) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering the F006 waste or otherwise released to the environment prior to recycling;
 - (d) No more than 20,000 kg of F006 waste is accumulated on-site at any one time.
- (6) A generator may, for any length of time, without being licensed pursuant to 310 CMR 30.000 or having interim status, and without complying with 310 CMR 30.30.341 or 30.342 except as specified in 310 CMR 30.340(6), accumulate hazardous waste or waste oil in containers at or near each specific point of generation where wastes initially accumulate, provided that all of the following requirements are met:
- (a) The wastes must be generated as a result of a process occurring at the specific point of generation where the wastes are initially accumulated.
 - (b) Each such specific point of generation where wastes initially accumulate, and each satellite accumulation container, shall be under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes.
 - (c) For each specific point of generation, only one container per wastestream may be used at any one time. The maximum capacity of said container shall be as follows:
 1. 55 gallons if the hazardous waste or waste oil being accumulated is non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.135; or
 2. one quart if the hazardous waste being accumulated is acutely hazardous waste listed or otherwise described in 310 CMR 30.136.
 - (d) Within three days of the time a generator fills a container or accumulates a quantity of hazardous waste or waste oil in excess of the applicable limit described in 310 CMR 30.340(6)(c), whichever comes first, the generator shall, with respect to that container and all the hazardous waste or waste oil accumulated therein, come into full compliance, and thereafter remain in full compliance, with 310 CMR 30.340 through 30.342. If a generator is subject to the preceding sentence, said generator shall, until it comes into full compliance with 310 CMR 30.340 through 30.342, continue to comply with 310 CMR 30.340(6).
 - (e) The generator shall at all times comply with the requirements set forth in 310 CMR 30.341(2)(a) through (c), as well as 30.342(1)(a) through (d) and (e)1., and 30.688(4).
- (7) A generator may operate a wastewater treatment unit in compliance with the requirements set forth or referred to in 310 CMR 30.605.

30.341: General Accumulation Standards for Large Quantity Generators

- (1) A generator shall comply with the following management standards for facilities:

(a) 310 CMR 30.516, requiring personnel training, subject to the following exceptions, additions, and modifications:

1. All references to “facility” shall be substituted with “site.”
2. The phrase “and the conditions of the facility’s license” in 310 CMR 30.516(1)(a) (first sentence) is eliminated.
3. All references to “owner and operator” shall be substituted with “generator”.
4. 310 CMR 30.516(1)(e) is replaced with the following: A current copy of the training plan and training records on current personnel shall be kept on-site and remain available for inspection by the Department at all times while the generator is subject to 310 CMR 30.000. Training records on former personnel shall be kept on-site and remain available for inspection by the Department for at least three years from the date such personnel last worked at the facility or until the generator is no longer subject to 310 CMR 30.000, whichever comes first.

(b) 310 CMR 30.521 governing the purpose, content and implementation of the contingency plan, subject to the following exceptions, additions and modifications:

1. All references to owner or operator shall be substituted with “generator”.
2. All references to “facility” shall be substituted with “site”.
3. 310 CMR 30.521(1)(first sentence) is eliminated and replaced with the following: Each generator shall have a contingency plan that addresses all on-site hazardous waste management units. The contingency plan shall be kept by the generator at an accessible on-site location at all times while the generator is subject to 310 CMR 30.000.
4. 310 CMR 30.521(6) is modified to read as follows: If any organization referred to in 310 CMR 30.521(5) refuses to enter into an arrangement listed therein, the generator shall document the refusal in the contingency plan.
5. 310 CMR 30.521(8) is modified to read as follows: The contingency plan shall list the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator, and this list shall be kept up-to-date. If more than one individual is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.
6. 310 CMR 30.521(10)(d) is revised to read as follows: Prevent flooding or comply with the floodproofing standard established pursuant to 310 CMR 30.341(1)(g).

(c) 310 CMR 30.522 governing the distribution of copies of the contingency plan is modified to read as follows: A copy of the contingency plan and all revisions to the plan shall be submitted to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency services. A copy of the contingency plan shall be kept on-site and be made available for inspection by the Department at all times while the generator is subject to 310 CMR 30.000.

(d) 310 CMR 30.523 governing amendments of the contingency plan is modified to read as follows: The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:

1. The plan fails in an emergency;
2. The list of emergency coordinators changes;
3. The list of emergency equipment changes;

4. There is any change in the operation or maintenance of any hazardous waste management unit; or
 5. There occurs any other circumstance which indicates the need for a change in the contingency plan.
- (e) 310 CMR 30.524 governing the standards for emergency prevention and response, subject to the following exceptions, additions, and modifications:
1. 310 CMR 30.524(1) is revised to read as follows: Design and Operation of Hazardous Waste Management Units. Hazardous waste management units shall be designed and operated to prevent, and constructed and maintained to minimize, the possibility of any threat to public health, safety, or welfare, or the environment from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water.
 2. All references to “owner or operator” shall be substituted with “generator”.
 3. All references to “facility” shall be substituted with “site”; “facilities” shall be substituted with “sites”.
 4. 30.524(2) (first sentence) is revised to read as follows: All hazardous waste management units shall be equipped with at least the following, unless the generator determines and documents in its files that none of the hazards posed by waste handled at the site could require a particular kind of equipment specified below:
 5. 310 CMR 30.524(4) is revised as follows:
 - a. 310 CMR 30.524(a) shall read as follows: Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, the generator shall ensure that all personnel involved in the operation always have immediate access to an internal alarm or emergency communications device, either directly or through visual or voice contact with another employee, unless such a device is not required pursuant to 310 CMR 30.524(2).
 - b. 310 CMR 30.524(4)(b) shall read as follows: If, at any time, only one employee is on the premises while hazardous waste management activities are taking place, the generator shall ensure that the employee always has immediate access to a device prescribed in 310 CMR 30.524(2)(b), unless such a device is not required pursuant to 310 CMR 30.524(2).
 6. 310 CMR 30.524(5) is revised to read as follows: Required Aisle Space. The generator shall maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area within the hazardous waste management unit in an emergency, unless the generator determines and documents in its files that aisle space is not needed for any of these purposes.
 7. In lieu of 310 CMR 30.524(6), Emergency Procedures, a generator shall comply with the following:
 - a. Whenever there is an imminent or actual emergency, the emergency coordinator shall immediately:
 - (i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel;
 - (ii) Notify the Bureau of Waste Prevention when there is an imminent or actual emergency which triggers the need to implement

- the contingency plan even if it does not result in a reportable release pursuant to 310 CMR 40.0000; and
- (iii) Notify other appropriate State or local agencies with designated response roles if their help is needed.
- b. Whenever there is a fire, explosion, spill or other release, the emergency coordinator shall:
- (i) Immediately identify the character, exact source, amount, and extent of all released materials, and concurrently;
 - (ii) Assess possible hazards to public health, safety, or welfare, or the environment that may result from the fire, explosion, spill or other release. This assessment shall consider both direct and indirect effects of the fire, explosion, or other release, e.g. the effects of any hazardous surface water run-off from water or chemical agents used to control fire or heat-induced explosions.
- c. If the emergency coordinator determines that there has been a fire, explosion, spill or other release, which could threaten public health, safety, welfare, or the environment, the emergency coordinator shall:
- (i) Immediately notify appropriate officials as identified in the contingency plan if the emergency coordinator's assessment indicates that evacuation of local areas may be advisable. The coordinator shall be available to help appropriate officials decide whether local areas should be evacuated;
 - (ii) Call the Bureau of Waste Site Clean-up at the Department's Regional Office serving the location where the release or threat of release occurred when required by and within the time frames established pursuant to 310 CMR 40.0311 through 40.0317. To report a release after normal business hours, dial (617) 556-1133, (888) 304-1133 (or such other telephone number as may be designated by the Department) or follow any instructions provided on the answering message for the Regional Office; and
 - (iii) Immediately notify the National Response Center using its 24-hour toll free telephone number 800-424-8802. The generator shall provide the information required pursuant to 310 CMR 30.351(9)(i)2.a - g..
- d. During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, runoff, and other releases do not occur, recur, or spread off the site or to other hazardous waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.
- e. If the facility stops operations in response to a potential or actual fire, explosion, or other release,
- (i) The emergency coordinator shall monitor for leaks, pressure buildup, gas generation, and ruptures in valves, pipes, or other equipment, wherever this is appropriate.
 - (ii) The emergency coordinator shall, immediately after an emergency, provide for the treatment, storage, or disposal of recovered waste, contaminated soil or surface water, or any other material that results from a fire, explosion, or other release at the facility. Unless the owner or operator can demonstrate pursuant to 310 CMR 30.100 that the recovered material is not hazardous waste,

the owner or operator also becomes a generator of hazardous waste and shall manage it in compliance with all applicable requirements of 310 CMR 30.000.

(iii) The emergency coordinator shall ensure that, in the affected area(s) of the site:

(A) no waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(B) all emergency equipment and systems listed in the contingency plan are cleaned, recharged, reactivated, and fit for their intended use before facility operations are resumed.

(iv) Operations shall not be resumed at the site until the generator notifies the Department that the site is in compliance with 310 CMR 30.341(1)(e)7.e. (iii).

f. The generator shall note the time, date, and details of any incident that requires implementing the contingency plan. This record shall be kept by the generator at a readily accessible on-site location at all times while the generator is subject to 310 CMR 30.000. If the incident resulted in a release to the environment requiring notification pursuant to 310 CMR 40.0000, notification to the Bureau of Waste Site Clean-up in compliance with 310 CMR 40.000 shall constitute notice to the Department. If the incident did not require notification pursuant to 310 CMR 40.0000, then the generator shall provide a written report within seven (7) days to the Bureau of Waste Prevention at the Regional Office of the Department where the incident occurred which includes:

(i) Name, address, and telephone number of the generator;

(ii) Date, time and type of incident (e.g., fire explosion);

(iii) Name and quantity of material(s) involved;

(iv) The extent of injuries, if any;

(v) An assessment of actual or potential hazards to public health, safety, welfare and the environment, where applicable; and

(vi) Estimated quantity and disposition of recovered materials that resulted from the incident.

(f) 310 CMR 30.560(1), (2), and (3), and 30.561, governing ignitable, reactive, or incompatible wastes.

(g) 310 CMR 30.701(2)(a) and (b), establishing a floodproofing standard; however, these requirements shall only be applicable if a portion of the site is within the boundary of land subject to flooding from the statistical 100-year frequency storm.

(2) Each tank or container in which hazardous waste is being accumulated shall be clearly marked and labelled throughout the period of accumulation. Marks and labels shall be clearly visible for inspection. For aboveground tanks and containers, marks and labels shall be made on the side of each tank or container. For underground tanks, marks and labels shall be made on the aboveground portion of the tanks or on a sign in close proximity to the tank. Each tank or container shall be marked and labeled with the following:

(a) The words "Hazardous Waste";

(b) The hazardous waste(s) identified in words (e.g., acetone, toluene);

- (c) The type of hazard(s) associated with the waste(s) indicated in words (e.g., ignitable, toxic, dangerous when wet);
 - (d) The date upon which each period of accumulation begins.
- (3) All areas where wastes are accumulated shall be operated with appropriate security measures at all times to prevent the unknowing entry of persons, reduce as much as possible the unauthorized entry of persons, and prevent the entry of livestock into such areas.
- (4) All areas where wastes are accumulated shall have posted at all times a sign with the words "HAZARDOUS WASTE" in capital letters at least one inch high. Each such sign shall meet the guidelines set forth in the National Fire Protection Association's Code No. 704.
- (5) All areas where wastes are accumulated for purposes of complying with 310 CMR 30.000 generally shall be clearly marked (e.g., by a clearly visible line or piece of tape on the floor, or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area) so that they are clearly distinguishable at all times from all specific points of generation where wastes are initially accumulated solely for purposes of 310 CMR 30.340(6), and from all areas at the site of generation where wastes are not accumulated.
- (6) The period of accumulation begins:
- (a) for hazardous waste subject to 310 CMR 30.340(6), on the date which is three days after the applicable limit described in 310 CMR 30.340(6)(c) is reached (i.e., 55 gallons or one quart) or on the date when the container is moved into a centralized accumulation area, whichever comes first;
 - (b) for hazardous waste received from a VSQG in compliance with 310 CMR 30.353(8), on the date the waste was received; and
 - (c) for all other hazardous wastes, on the date the waste first becomes subject to regulation pursuant to 310 CMR 30.140(1).
- If the applicable date described in the preceding sentence is not marked and labeled, in compliance with 310 CMR 30.341(2), on any tank or container in which such hazardous waste is accumulated, then the period of accumulation of the hazardous waste in that tank or container shall be deemed to have commenced on the date on which that hazardous waste is originally generated or accumulated.
- (7) Before the end of the applicable 90 day accumulation period, as described in 310 CMR 30.340(4), or the 180 day accumulation period, as described in 310 CMR 30.340(5), the waste shall be either:
- (a) Transported off-site to a facility, or person that meets the criteria of 310 CMR 30.305; or
 - (b) Transferred to an on-site facility that meets the criteria of 310 CMR 30.305(1)(a)1., 2. or 3., 30.305(4) or 30.305(5).
- (8) A Large Quantity Generator who accumulates hazardous waste at the site of generation in excess of the 90 day accumulation period, as described in 310 CMR 30.340(4), or the 180 day accumulation period, as described in 310 CMR 30.340(5), is an operator of a storage facility and shall comply with the requirements of 310

CMR 30.500 through 30.900, or if eligible, the interim status provisions of 310 CMR 30.099.

30.342: On-Site Accumulation by Large Quantity Generators in Containers

- (1) Throughout the period of accumulation, the generator shall comply with the standards for the use and management of containers set forth in the following regulations subject to the exceptions, additions or modifications, if any, as noted:
- (a) 310 CMR 30.683: *Condition of Containers.*
 - (b) 310 CMR 30.684: *Compatibility of Waste with Containers.*
 - (c) 310 CMR 30.685: *Management of Containers.*
 - (d) 310 CMR 30.686: *Inspections.*
 - 1. In addition to the requirements of 310 CMR 30.686, a generator shall remedy all malfunctions, deteriorations, operator errors, and discharges which any inspection reveals.
 - 2. A generator shall record every inspection in an inspection log or summary.
 - 3. A generator shall keep the records of each inspection at the site of generation for at least three years from the date of inspection or until final closure pursuant to 310 CMR 30.342(1)(g), whichever period is longer. These records shall be furnished to the Department upon request. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.
 - (e) 310 CMR 30.687: *Containment*; except that a generator shall comply with the following in lieu of 310 CMR 30.687(1) and (2):
 - 1. Underlying all containers shall be a base which is free of cracks and gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
 - 2. All outdoor containers shall be provided with a containment system that has the capacity to contain either 10% of the total possible contained volume of the containers, or 110% of the volume of the largest container, whichever is greater.
 - 3. A generator shall remove all accumulated spillage and/or precipitation from the containment area within 24 hours or in as timely a manner as possible.
 - (f) 310 CMR 30.688: *Special Requirements for Ignitable, Reactive and Incompatible Hazardous Wastes, and Hazardous Wastes That Are Polyhalogenated Aromatic Hydrocarbons, and*
 - (g) 310 CMR 30.689: *Closure.*

30.343: On-Site Accumulation by Large Quantity Generators in Tanks

- (1) Throughout the period of accumulation, the generator shall comply with the standards for storage and treatment in tanks set forth in the following regulations subject to the exceptions, additions or modifications, if any, as noted:
- (a) 310 CMR 30.691: *Applicability.*
 - (b) 310 CMR 30.692(1) - (4): *Assessment of Existing Tank System's Integrity;*
 - (c) 310 CMR 30.693: *Design and Installation of New Tank Systems or Components.*

1. 310 CMR 30.693(1) (first sentence) is replaced with the following:
Generators with new tank systems or components shall obtain a written assessment, reviewed and certified by an independent, qualified, registered professional engineer, in accordance with 310 CMR 30.009, attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The generator shall keep such assessment on file at the site of generation until final closure pursuant to 310 CMR 30.343(1)(i).
- (d) 310 CMR 30.694: *Containment and Detection of Releases.*
 1. Notwithstanding the requirements of 310 CMR 30.694(1) and 30.692(5), a generator shall provide secondary containment that meets the requirements of 310 CMR 30.694 for all new and existing tank systems except as provided in 310 CMR 30.694(6).
 2. A Large Quantity Generator shall comply with the following in lieu of 30.694(5):
 - a. All aboveground tanks shall have a containment system which is free of cracks and gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.
 - i. All indoor above ground tank systems shall have the capacity to contain 100% of the volume of the largest above ground tank;
 - ii. All outdoor aboveground tanks systems shall have the capacity to contain either 10% of the total possible contained volume of the aboveground tanks, or 110% of the volume of the largest aboveground tank, whichever is greater.
 - b. A generator shall remove all accumulated spillage and/or precipitation from the containment area within 24 hours or in as timely a manner as possible.
- (e) 310 CMR 30.695: *General Operating Requirements.*
- (f) 310 CMR 30.696: *Inspections.*
 1. In addition, a generator shall also record every inspection in an inspection log or summary.
 2. A generator shall keep the records of each inspection at the site of generation for at least three years from the date of inspection or until final closure pursuant to 310 CMR 30.343(1)(i), whichever period is longer. These records shall be furnished to the Department upon request.
 3. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.
 4. All aboveground tanks shall be placed so that all the surface beneath each such tank can be inspected for spills and structural integrity.
- (g) 310 CMR 30.697: *Response to Leaks or Spills and Disposition of Leaking Tank Systems.*
- (h) 310 CMR 30.698: *Special Requirements for Ignitable, Reactive, and Incompatible Hazardous Wastes, and Hazardous Wastes That Are Polyhalogenated Aromatic Hydrocarbons.*
- (i) 310 CMR 30.699(1) and (2): *Closure and Post-Closure Care*, except that:
 1. a generator need only comply with the following closure requirements of 310 CMR 30.580:
 - a. 310 CMR 30.582: Closure Performance Standard; and
 - b. 310 CMR 30.585: Disposal or Decontamination of Equipment.

2. a generator need not comply with the requirements of 310 CMR 30.590: Post-Closure and 310 CMR 30.900: Financial Responsibility.

30.350: Special Generator Requirements

30.351: Small Quantity Generators

- (1) Except as provided in 310 CMR 30.353, a generator is a Small Quantity Generator if that generator:
 - (a) Does not generate in a calendar month a total of 1,000 kilograms or more of any hazardous waste, regulated recyclable material, or combination of hazardous waste and regulated recyclable material; and
 - (b) Does not accumulate, at any one time, any hazardous waste, regulated recyclable material, or combination of hazardous waste and regulated recyclable material in quantities exceeding 6,000 kilograms; and
 - (c) Except as provided in 310 CMR 30.351(1)(e) and (g), does not generate in a calendar month one kilogram or more of acutely hazardous waste, acutely hazardous regulated recyclable material, or combination of acutely hazardous waste and acutely hazardous regulated recyclable material; and
 - (d) Except as provided in 310 CMR 30.351(1)(f) and (h), does not accumulate, at any one time, one kilogram or more of acutely hazardous waste, acutely hazardous regulated recyclable material, or combination of acutely hazardous waste and acutely hazardous regulated recyclable material; and
 - (e) Except as provided in 310 CMR 30.351(1)(g), does not generate in a calendar month ten kilograms or more of inner liners removed from containers, or of paper bags containing residues of acutely hazardous waste or acutely hazardous regulated recyclable material; and
 - (f) Except as provided in 310 CMR 30.351(1)(h), does not accumulate, at any one time, a total of 10 kilograms or more of inner liners removed from containers, or of paper bags containing residues of acutely hazardous waste or acutely hazardous regulated recyclable material; and
 - (g) Does not generate in a calendar month a total of 100 kilograms or more of any residue, contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acutely hazardous waste or any acutely hazardous regulated recyclable material; and
 - (h) Does not accumulate, at any one time, a total of 100 kilograms or more of any residue, contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acutely hazardous waste or acutely hazardous regulated recyclable material.
- (2) For the purpose of determining the quantities in 310 CMR 30.351(1):
 - (a) a generator shall include:
 1. all hazardous waste and regulated recyclable material produced on-site (i.e., at the site of generation) unless excluded pursuant to 310 CMR 30.351(2)(b) or (c); and
 2. hazardous waste received from off the site of generation including, but not limited to, hazardous waste received from Very Small Quantity Generators pursuant to 310 CMR 30.353(8); and
 - (b) a generator need not include:
 1. hazardous waste not subject to 310 CMR 30.000;

2. hazardous waste that is managed upon generation in one of the following units and without first being accumulated:
 - a. a wastewater treatment unit; or
 - b. a unit that provides treatment which is an integral part of the manufacturing process;
 3. Class A regulated recyclable material, as defined in 310 CMR 30.212, provided such material is handled in compliance with 310 CMR 30.200;
 4. waste that is universal waste managed in compliance with 310 CMR 30.143(2) and 30.1000;
 5. waste oil and used oil fuels handled in compliance with 310 CMR 30.253 provided such materials are included in dual status calculations. (See 310 CMR 30.253(5)); or
 6. for purposes of establishing compliance with 310 CMR 30.351(1)(b), (d), (f) and (h), hazardous waste located in satellite accumulation areas in compliance with 310 CMR 30.351(4). (A generator shall, however, count all satellite accumulation area wastes towards the generation rate limitations of 310 CMR 30.351(1)(a), (c), (e) and (g). See also 310 CMR 30.351(5)(a)); and
- (c) a generator, for purposes of establishing compliance with 310 CMR 30.351(1)(a), (c), (e) and (g) only, need not include the following wastes, provided such wastes have already been counted once upon generation:
1. hazardous waste which is removed from on-site accumulation;
 2. hazardous waste produced by on-site recycling of regulated recyclable material; or
 3. spent material that is either a Class B or C regulated recyclable material, provided such material is generated, reclaimed, and subsequently reused at the site of generation.

(3) A Small Quantity Generator shall comply with the requirements set forth or referred to in 310 CMR 30.351, and need not comply with any other generator requirements of 310 CMR 30.300. However, a Small Quantity Generator may manage its regulated recyclable materials in compliance with 310 CMR 30.200 and manage its universal wastes in compliance with 310 CMR 30.1000.

(4) A Small Quantity Generator may, for any length of time, without being licensed pursuant to 310 CMR 30.000 or having interim status, and without complying with 310 CMR 30.351 except as specified in 310 CMR 30.351(4), accumulate hazardous waste or waste oil in containers at or near each specific point of generation where wastes initially accumulate, provided that all of the following requirements are met:

- (a) The wastes must be generated as a result of a process occurring at the specific point of generation where the wastes are initially accumulated.
- (b) Each such specific point of generation where wastes initially accumulate, and each satellite accumulation container, shall be under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes.
- (c) For each specific point of generation, only one container per wastestream may be used at any one time. The maximum capacity of said container shall be as follows:
 1. 55 gallons if the hazardous waste or waste oil being accumulated is non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.135; or

2. one quart if the hazardous waste being accumulated is acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

(d) Within three days of the time a generator fills a container or accumulates a quantity of hazardous waste or waste oil in excess of the applicable limit described in 310 CMR 30.351(4)(c), whichever comes first, the generator shall, with respect to that container and all the hazardous waste or waste oil accumulated therein, come into full compliance, and thereafter remain in full compliance, with 310 CMR 30.351. If a generator is subject to the preceding sentence, said generator shall, until it comes into full compliance with 310 CMR 30.351, continue to comply with 310 CMR 30.351(4).

(e) The generator shall at all times comply with the requirements set forth in 310 CMR 30.341(2)(a) through (c), as well as 30.342(1)(a) through (d) and (e)1., and 30.688(4).

(5) A Small Quantity Generator may accumulate the amounts of hazardous waste stated in 310 CMR 30.351(1) at the site of generation for up to 180 days without having to obtain a storage license from the Department and without having interim status provided that the date when the accumulation period begins shall be clearly marked and labeled, in compliance with 310 CMR 30.341(2), on every tank and container in which hazardous waste is accumulated.

(a) This 180-day period begins:

1. for hazardous waste subject to 310 CMR 30.351(4), on the date which is three days after the applicable limit described in 310 CMR 30.351(4)(c) (i.e., 55 gallons or one quart) is reached or on the date when the container is moved into a centralized accumulation area, whichever comes first;
2. for hazardous waste received from a VSQG in compliance with 310 CMR 30.353(8), on the date the waste was received;
3. for hazardous waste produced by a generator that no longer satisfies all of the requirements of 310 CMR 30.353(1), on the date the generator first becomes subject to 310 CMR 30.351; and
4. for all other hazardous wastes, on the date the waste first becomes subject to regulation pursuant to 310 CMR 30.140(1).

(b) If the applicable date described in the preceding sentence is not marked and labeled, in compliance with 310 CMR 30.341(2), on any tank or container in which such hazardous waste is accumulated, then the period of accumulation of the hazardous waste in that tank or container shall be deemed to have commenced on the date on which that hazardous waste is originally generated or accumulated.

(6) Before the end of the 180 day period of accumulation, as described in 310 CMR 30.351(5), the waste shall be either:

- (a) Transported off-site to a facility, or person that meets the criteria of 310 CMR 30.305; or
- (b) Transferred to an on-site facility that meets the criteria of 310 CMR 30.305(1)(a)1., 2. or 3., 30.305(4) or 30.305(5).
- (c) A Small Quantity Generator who accumulates hazardous waste in excess of the 180 day period of accumulation, as described in 310 CMR 30.351(5), is an operator of a storage facility and shall comply with the requirements in 310 CMR 30.500, 30.600, 30.700, 30.800, and 30.900 applicable to storage of hazardous waste, or if eligible, the interim status provisions of 310 CMR 30.099.

- (7) A generator who generates in any calendar month, or accumulates hazardous waste for any length of time, in amounts exceeding the amounts stated in 310 CMR 30.351(1) is a Large Quantity Generator, and shall comply with 310 CMR 30.303 and with all requirements in 310 CMR 30.000 applicable to Large Quantity Generators.
- (8) A Small Quantity Generator shall comply with the following additional requirements governing accumulation:
- (a) 310 CMR 30.341(2) through (5) - marking and labeling, security, signs, and lines. However, for purposes of complying with 310 CMR 30.341(2)(d), the date upon which each period of accumulation begins shall be determined as set forth in 310 CMR 30.351(5).
 - (b) 310 CMR 30.342 – accumulation in containers. However, in lieu of complying with 310 CMR 30.342(1)(f), referencing the requirements of 310 CMR 30.688 for managing ignitable, reactive or incompatible wastes, a Small Quantity Generator shall comply with the following:
 - 1. Containers holding ignitable or reactive hazardous waste shall be located at least 15 meters from the property line of the site of generation, unless this is not possible or practical, in which case the generator shall locate such containers in compliance with applicable city and town ordinances and by-laws
 - 2. Incompatible hazardous wastes or materials incompatible with hazardous wastes (see 310 CMR 30.561 for examples) shall not be placed in the same container unless the requirement set forth in 310 CMR 30.560(3) is complied with.
 - 3. Hazardous waste shall not be placed in an unwashed container that previously held waste or material incompatible with such hazardous waste.
 - 4. A container holding a hazardous waste that is incompatible with any waste or other material stored nearby in other containers or in piles, open tanks or surface impoundments shall be separated from the other waste or other material or protected from it by means of a dike, berm, wall, or other device.
 - (c) 310 CMR 30.343 – accumulation in tanks; and
 - (d) 310 CMR 30.560(1), (2), and (3), and 30.561 - general requirements for ignitable, reactive and incompatible wastes.
- (9) A Small Quantity Generator shall comply with the following requirements governing emergency procedures, prevention, and response:
- (a) A Small Quantity Generator shall accumulate hazardous waste only in areas that are designed and constructed to prevent, and maintained and operated to minimize the possibility of any threat to public health, safety, or welfare, or the environment, from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water.
 - (b) There shall be at all times at least one employee either on the premises or on call and available to respond to an emergency by reaching the site of generation or accumulation within a short period of time. Each such employee shall be known as the emergency coordinator. The emergency coordinator shall have the responsibility for coordinating all emergency response measures specified in 310 CMR 30.351(9)(h) and (i). Each emergency coordinator shall be thoroughly familiar with all aspects of whatever plans the generator has for responding to an emergency, all operations and activities at the site of generation, the location and characteristics of waste handled, the location of all records at the site of

generation, and the layout of the site of generation. Each emergency coordinator shall have access to all areas of the site of generation. Each emergency coordinator shall have the authority to spend or use whatever is necessary to adequately respond to an emergency.

(c) A Small Quantity Generator shall have the following equipment on the premises, unless none of the hazards posed by hazardous waste handled on the premises could require a particular type of equipment specified below:

1. An internal communications or alarm system capable of providing immediate emergency instruction, by voice or signal, to facility personnel; and
2. A device, immediately available at all areas where hazardous waste is generated or accumulated, such as a telephone or a hand-held two-way radio, call box, or other instrument capable of summoning emergency assistance from, and which is acceptable to, local police departments, fire departments, or Federal, State, or local emergency response teams; and
3. Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals; spill control equipment; and decontamination equipment; and
4. Water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers or water spray systems.
5. Clear markings identifying all exits so that everyone in the premises during an emergency can quickly find their way out of the premises during the emergency.
6. An up-to-date written list containing the following information, a copy of which shall be prominently posted next to every telephone at the site of generation:
 - a. The name(s) and telephone number(s) of the emergency coordinator(s).
 - b. The location(s) of the fire extinguisher(s) and spill control material(s), and, if present, the fire alarms.
 - c. The telephone number of the fire department, and, if there is a direct alarm system, instructions on how to activate it.
 - d. Evacuation routes, where applicable.

(d) All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

(e) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, the generator shall ensure that all personnel involved in the operation always have immediate access to an internal alarm or emergency communications device, either directly or through visual or voice contact with another employee, unless such a device is not required pursuant to 310 CMR 30.351(9)(c). If hazardous waste is being poured, mixed, spread, or otherwise handled at a time when there is only one individual at the area where this activity is occurring, the generator shall ensure that this individual has immediate access to a device, such as a telephone or a hand-held two-way radio, that is capable of summoning whatever emergency assistance is necessary from other areas, unless such a device is not required pursuant to 310 CMR 30.351(9)(c).

(f) The generator shall maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(g) The generator shall ensure that all employees are properly trained so that they know how to perform their duties so that hazardous waste handling practices and emergency procedures are performed properly and in compliance with all applicable requirements of 310 CMR 30.000.

(h) The emergency coordinator or designee shall respond promptly and properly to any emergencies that arise. The applicable responses shall be as follows:

1. In the event of a fire, attempt to extinguish it using a fire extinguisher or other suitable fire control equipment or call the fire department.
2. In the event of a spill, contain the flow of spilled material to the extent possible, and as soon as practicable, clean up the spilled material and contaminated materials or soil.

(i) In the event of a fire, explosion, spill or other release or threat of release of oil, hazardous waste, or hazardous material into the environment, the generator shall do the following:

1. Call the Bureau of Waste Site Clean-up at the Department's Regional Office serving the location where the release or threat of release occurred when required by and within the time frames established pursuant to 310 CMR 40.0311 through 40.0317. To report a release after normal business hours, dial (617) 556-1133, (888) 304-1133 (or such other telephone number as may be designated by the Department) or follow any instructions provided on the answering message for the Regional Office.
2. In addition to the notification requirements of 310 CMR 30.351(9)(i)1., when a fire, explosion, spill or other release could threaten public health, safety, welfare or the environment, the generator shall immediately notify the National Response Center at its 24-hour toll-free number (1-800-424-8802) and provide the following information:
 - a. the name and telephone number of the reporter;
 - b. the name, address, and U.S. EPA Identification Number of the generator;
 - c. the date, time, and type of incident (e.g., spill or fire);
 - d. the name and quantity of hazardous material(s) involved in the incident;
 - e. the extent of injuries, if any;
 - f. the estimated quantity and disposition of recovered material(s), if any;
 - and
 - g. the possible hazards to human health or the environment.

(j) The generator shall make every reasonable attempt to make the following arrangements, as appropriate for the type of hazardous waste handled at the site of generation or accumulation and the potential need for the services of the persons or organizations referred to below:

1. Arrangements to familiarize police departments, fire departments, local boards of health, and emergency response teams with the layout of the site, properties of hazardous waste handled at the site, hazards associated with such wastes, places where personnel at the site would normally be working, entrances to and roads inside the site, and possible evacuation routes.
2. If more than one police department and/or fire department might respond to an emergency, agreements designating the specific police department and/or specific fire department which shall have primary emergency authority, and agreements with any other police department(s) and/or fire department(s) to provide support to whoever has primary emergency authority.

3. Agreements with State emergency response teams, emergency response contractors, local boards of health, and equipment suppliers.
 4. Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the site and the types of injuries or illnesses which could result from fires, explosions, or other releases at the site.
 - (k) For the purposes of 310 CMR 30.351(9)(j), a signed and dated letter that is from the generator to a person set forth in 310 CMR 30.351(9)(j) and that attempts to make arrangements required pursuant to 310 CMR 30.351(9)(j) shall be deemed sufficient documentation of an attempt to make the required arrangements with that person. The generator shall keep these records for as long as the generator is at the site. Such records shall be furnished upon request of, and made available at all reasonable times for inspection by, any duly designated officer, employee, or representative of the Department or of the EPA.
- (10) A Small Quantity Generator shall comply with the following:
- (a) 310 CMR 30.301(1), (2) and (3) - Purpose, scope, and applicability of generator regulations.
 - (b) 310 CMR 30.302 - Determine whether the waste is hazardous.
 - (c) 310 CMR 30.303 - Requirements governing notification, identification numbers, and change of status requests.
 - (d) 310 CMR 30.304 and 30.305 - Transfer of hazardous waste.
 - (e) 310 CMR 30.310 through 30.316 - Manifest Requirements.
 - (f) 310 CMR 30.331(1), (2), (3)(b), and (4), 30.333, and 30.334 - Recordkeeping and reporting.
 - (g) 310 CMR 30.352 and 30.361.
 - (h) 310 CMR 30.001 through 30.100, and 30.605. A Small Quantity Generator should also be aware of the need to comply with the federal land disposal restrictions set forth in 40 CFR part 268.
 - (i) 310 CMR 30.321 through 30.324 (pre-transport requirements).

30.352: Inclusion of Acutely Hazardous Waste

In determining whether the limits of 310 CMR 30.351(1)(a) or (b) are met, a generator shall include acutely hazardous waste and acutely hazardous regulated recyclable materials. A generator who so exceeds the limits in 310 CMR 30.351(1)(a) or (b), is a Large Quantity Generator and the limits for acutely hazardous wastes in 310 CMR 30.351(1)(c), (d), (e), (f), (g) and (h) do not apply. Very Small Quantity Generators are prohibited from generating or accumulating any acutely hazardous waste or acutely hazardous regulated recyclable materials.

30.353: Very Small Quantity Generators

- (1) A generator is a Very Small Quantity Generator if that generator:
 - (a) Does not generate in a calendar month a total of 100 kilograms or more of hazardous waste, regulated recyclable material, or combination of hazardous waste and regulated recyclable material; and
 - (b) Does not accumulate, at any one time, any hazardous waste, regulated recyclable material, or combination of hazardous waste and regulated recyclable material in quantities exceeding 1,000 kilograms; and

- (c) Does not generate or accumulate any acutely hazardous waste or acutely hazardous regulated recyclable material; and
 - (d) Does not generate or accumulate any inner liners removed from containers, or of paper bags containing residues of acutely hazardous waste or acutely hazardous regulated recyclable material; and
 - (e) Does not generate or accumulate any residue, contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acutely hazardous waste or acutely hazardous regulated recyclable material.
- (2) For the purpose of determining the quantities in 310 CMR 30.353(1):
- (a) a generator shall include
 - 1. all hazardous waste and regulated recyclable material produced on-site (i.e., at the site of generation) unless excluded pursuant to 310 CMR 30.353(2)(b) or (c); and
 - 2. hazardous waste received from off the site of generation including, but not limited to, hazardous waste received from other Very Small Quantity Generators pursuant to 310 CMR 30.353(8); and
 - (b) a generator need not include:
 - 1. hazardous waste not subject to 310 CMR 30.000;
 - 2. hazardous waste that is managed upon generation in one of the following units and without first being accumulated:
 - a. a wastewater treatment unit; or
 - b. a unit that provides treatment which is an integral part of the manufacturing process;
 - 3. Class A regulated recyclable material, as defined in 310 CMR 30.212, provided such material is handled in compliance with 310 CMR 30.200;
 - 4. waste that is universal waste managed in compliance with 310 CMR 30.143(2) and 30.1000; or
 - 5. waste oil and used oil fuels handled in compliance with 310 CMR 30.253 provided such materials are included in dual status calculations. (See 310 CMR 30.253(5)); or
 - 6. for purposes of establishing compliance with 310 CMR 30.353(1)(b), hazardous waste located in satellite accumulation areas in compliance with 310 CMR 30.353(6)(i). (A generator shall, however, count all satellite accumulation area wastes towards the generation rate limitations of 310 CMR 30.353(1)(a);) and
 - (c) a generator, for purposes of establishing compliance with 310 CMR 30.353(1)(a) only, need not include the following wastes, provided such wastes have already been counted once upon generation:
 - 1. hazardous waste which is removed from on-site accumulation;
 - 2. hazardous waste produced by on-site treatment of hazardous waste;
 - 3. hazardous waste produced by on-site recycling of regulated recyclable material; or
 - 4. spent material that is either a Class B or C regulated recyclable material, provided such material is generated, reclaimed, and subsequently reused at the site of generation.
- (3) A Very Small Quantity Generator shall comply with the requirements set forth or referred to in 310 CMR 30.353, and need not comply with any other generator requirements of 310 CMR 30.300. However, a Very Small Quantity Generator may manage its regulated recyclable materials in compliance with 310 CMR 30.200 and

manage its universal wastes in compliance with 310 CMR 30.1000. A person who is not in compliance with the requirements set forth or referred to in 310 CMR 30.353 shall have the status of a Small Quantity Generator, a Large Quantity Generator, or the owner or operator of a facility, as the case may be, and shall comply with all requirements in 310 CMR 30.000 applicable to the status he has at the time.

(4) A Very Small Quantity Generator shall handle all hazardous waste generated, accumulated or treated in a manner which neither could nor does endanger public health, safety, or welfare, or the environment, and in compliance with all applicable local, State, and Federal laws and regulations.

(5) A Very Small Quantity Generator shall register with the Department by notifying the Department in writing of its activity involving hazardous waste or regulated recyclable material. If the Department prescribes a form for such registration, the generator shall use such form when submitting such registration. Such a registration shall be signed and submitted in compliance with 310 CMR 30.006 and 30.009. The generator shall follow such procedures as may be required, requested or authorized by the Department to obtain and keep its status as a Very Small Quantity Generator. If the Very Small Quantity Generator intends to transfer custody or possession of the hazardous waste or regulated recyclable material to another person or persons, the registration shall set forth the name, address, and EPA identification number, if applicable, of each such person. If the Very Small Quantity Generator intends to itself treat or recycle the hazardous waste or regulated recyclable material, the registration shall set forth the process by which the hazardous waste or regulated recyclable material shall be treated or recycled. If the site has an EPA identification number or a Massachusetts identification number, that number shall be included in the registration. An identification number for the site is required if the Very Small Quantity Generator is using a manifest.

- (6) A Very Small Quantity Generator shall comply with the following:
- (a) 310 CMR 30.001 through 30.040 – General provisions, definitions, imminent threats and presumption of irreparable harm, and 30.100 – Identification and Listing.
 - (b) 310 CMR 30.301(1), (2) and (3) - Purpose, scope, and applicability of generator regulations.
 - (c) 310 CMR 30.302 - Determine whether the waste is hazardous. However, a Very Small Quantity Generator need not comply with the requirements of the Land Disposal Restrictions rule, 40 CFR 268, including the use of multiple waste codes. (See 310 CMR 30.302(3) and 30.103.)
 - (d) 310 CMR 30.303(1), (2), (3)(b) and (9) - Requirements governing identification numbers and change of status requests.
 - (e) 310 CMR 30.311(2), 30.314(5), 30.315, 30.316(3) as well as, 30.331(1), (2), (3)(b) and 30.333 (provided a manifest is required or otherwise used), and 30.334 – manifesting, recordkeeping and reporting.
 - (f) 310 CMR 30.351(5)(a)3, 30.352 and 30.361.
 - (g) The container management standards at 310 CMR 30.682 through 30.684, and 30.685(1) and (2), 30.688(2), (3), and (4), and 30.689 as well as the tank management standards at 30.695(3) and (5).
 - (h) 310 CMR 30.341(3) through (5) (general accumulation standards), 30.342(1)(e) (containment for accumulation in containers), and 30.343(1)(d) (containment for accumulation in tanks).

(i) A Very Small Quantity Generator may, for any length of time, without being licensed pursuant to 310 CMR 30.000, or having interim status, and without complying with 310 CMR 30.353(6)(g) and (h), accumulate hazardous waste or waste oil in containers at or near each specific point of generation where wastes initially accumulate, provided that all of the following requirements are met:

1. The wastes must be generated as a result of a process occurring at the specific point of generation where the wastes are initially accumulated;
2. Each specific point of generation where wastes initially accumulate, and each satellite accumulation container, shall be under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes;
3. For each specific point of generation, only one container per wastestream may be used at any one time. The maximum capacity of said container shall be 55 gallons;
4. Within three days of the time a generator fills a container, the generator shall, with respect to that container and all the hazardous waste or waste oil accumulated therein, come into full compliance, and thereafter remain in full compliance, with 310 CMR 30.353(6)(g) and (h). If a generator is subject to the preceding sentence, said generator shall, until it comes under full compliance with 310 CMR 30.353(6)(g) and (h) continue to comply with 310 CMR 30.353(6)(i).
5. The generator shall at all times comply with the requirements set forth in 310 CMR 30.342(1)(e)1, 30.682 through 30.685(1) and (2), and 30.688(4).

(7) A Very Small Quantity Generator may transport hazardous waste off the site of generation without having to obtain a license to transport hazardous waste or a vehicle identification device for the vehicle in which the hazardous waste is transported, and without having to use a hazardous waste manifest, but only if all of the following requirements are met:

- (a) The generator may not collect or transport any hazardous waste except hazardous waste generated by that generator.
- (b) Notwithstanding 310 CMR 30.353(7)(a), a generator may collect and transport hazardous wastes from another generator provided that such transport is done in compliance with 310 CMR 30.353(7) and:
 1. every generator from whom waste is collected is a registered VSQG; and
 2. every generator has the same owner or operator as the generator who collects and transports the waste.
- (c) the transport of the hazardous waste is not prohibited by the DOT pursuant to 49 CFR 172.101(d).
- (d) The generator may deliver the hazardous waste only to a destination described in 310 CMR 30.353(8).
- (e) The generator may not transport more, in the aggregate, than 200 kilograms of hazardous waste in any one vehicle at any one time. Such hazardous waste may be transported only in containers.
- (f) The generator shall transport the hazardous waste only in containers that are
 1. compatible with the waste; and
 2. tightly sealed; and
 3. tightly secured to the vehicle in which they are transported; and
 4. clearly marked and labelled in a manner which identifies, in words, the hazardous waste(s) in the container (e.g., acetone, toluene) and the hazard(s) associated with the waste (e.g., ignitable, toxic, dangerous when wet); and

5. clearly marked with the words "Hazardous Waste"; and
 6. in compliance with applicable regulations and standards of the DOT and the Massachusetts Department of Public Works, and the Massachusetts Board of Fire Prevention Regulations, 527 CMR 1.00 through 24.00.
- (g) Hazardous wastes that are incompatible with each other shall not be transported in the same vehicle at the same time.
- (h) At all times while hazardous waste is in the vehicle, a copy of the generator's most recent registration with the Department shall be in the vehicle at a location where the operator of the vehicle can obtain quick and easy access to it. Said registration shall be made available to Department or law enforcement personnel on request. If the generator transports hazardous wastes to an event or center pursuant to 310 CMR 30.353(8)(e), said registration shall be made available to the transporter at the event or the attendant at the center.
- (i) In the event that a fire, explosion, spill or other release or threat of release of oil, hazardous waste, or hazardous material occurs during transport, the generator shall take all appropriate action to protect public health, safety, and welfare and the environment, and shall
1. Immediately notify the local fire and police departments; and
 2. Call the Bureau of Waste Site Clean-up at the Department's Regional Office serving the location where the release or threat of release occurred when required by and within the time frames established pursuant to 310 CMR 40.0311 through 40.0317. To report a release after normal business hours, dial (617) 556-1133, (888) 304-1133 (or such other telephone number as may be designated by the Department) or follow any instructions provided on the answering message for the Regional Office.
 3. In addition to the notification requirements of 310 CMR 30.353(7)(i)1. and 2., when a fire, explosion, spill or other release could threaten public health, safety, welfare, or the environment, the generator shall immediately notify the National Response Center at its 24-hour toll-free number (1-800-424-8802) and provide the information required pursuant to 310 CMR 30.351(9)(i)2.a. – g.
- (j) The vehicle in which the hazardous waste is transported shall go directly to the intended destination, without any stops or detours in between except those allowed pursuant to 310 CMR 30.353(7)(b) and those reasonably and immediately necessary in response to road conditions, the driver's need for nourishment or rest, the vehicle's need for service or maintenance, or emergencies.
- (k) The generator shall comply with the requirements set forth or referred to in 310 CMR 30.353(9).
- (l) The generator shall placard the vehicle when so required by DOT pursuant to 49 CFR 172.504.
- (8) A Very Small Quantity Generator sending hazardous waste off the site of generation shall send that material only to:
- (a) A facility or person listed or described in 310 CMR 30.305, or
 - (b) A Large Quantity Generator who is in compliance with 310 CMR 30.340.
 - (c) A Small Quantity Generator who is in compliance with 310 CMR 30.351, or
 - (d) A Very Small Quantity Generator who is in compliance with 310 CMR 30.353, or
 - (e) An event pursuant to 310 CMR 30.392 or a center pursuant to 310 CMR 30.393.

(9) A Very Small Quantity Generator shall prepare shipping papers if a hazardous waste manifest does not accompany a shipment of hazardous waste. The shipping papers shall identify the generator of the hazardous waste being transported, the quantity and name of the hazardous waste being transported, and the destination to where the hazardous waste is being transported. The Very Small Quantity Generator shall present two copies of the shipping papers together with the hazardous waste being shipped to the person receiving the material. The person receiving that material shall mark the two copies of the shipping papers provided with the date the delivery was accepted. Both the person receiving the material and the Very Small Quantity Generator delivering the material shall sign both copies of the shipping papers to acknowledge acceptance of the materials described. The person receiving the material and the Very Small Quantity Generator delivering the material shall each keep one copy of the signed shipping papers in their records for at least three years after possession of the material is transferred from the Very Small Quantity Generator to the person receiving the material. Such records shall be furnished upon request of, and made available at all reasonable times for inspection by, any duly designated officer, employee, or representative of the Department or of the EPA.

(10) A Very Small Quantity Generator may treat hazardous waste without having to obtain a license or interim status but only if all of the following requirements are met:

- (a) The Very Small Quantity Generator shall treat only hazardous waste it generates.
- (b) The Very Small Quantity Generator shall treat the hazardous waste only at the site of generation of that waste.
- (c) The intended and actual result of the treatment shall be only neutralizing the waste or rendering the waste less hazardous or non-hazardous by means other than thermal treatment. All other treatment, including thermal treatment, and all disposal shall be subject to 310 CMR 30.353(12).
- (d) The Very Small Quantity Generator shall maintain its status as a Very Small Quantity Generator in good standing at all times in compliance with 310 CMR 30.353.
- (e) Waste oil and used oil fuel shall not be blended, mixed, commingled, or otherwise treated with any other hazardous waste identified or otherwise described in 310 CMR 30.100.

(11) A Very Small Quantity Generator may recycle regulated recyclable materials without having to obtain a license, interim status, or any recycling permit but only if all of the following requirements are met:

- (a) The Very Small Quantity Generator shall recycle only regulated recyclable material it generates.
- (b) The Very Small Quantity Generator shall recycle the regulated recyclable material only at the site of generation of that material.
- (c) The Very Small Quantity Generator shall comply with all applicable standards and requirements set forth in 310 CMR 30.200 governing the activity in question except the requirements for obtaining a recycling permit or a license.
- (d) The Very Small Quantity Generator shall maintain its status as a Very Small Quantity Generator in good standing at all times in compliance with 310 CMR 30.353.

(e) Regulated recyclable materials, other than those described at 310 CMR 30.231(2), shall not be used in a manner constituting disposal unless managed in compliance with 310 CMR 30.353(12).

(f) Waste oil and used oil fuel shall not be blended, mixed, commingled, or otherwise treated with any other hazardous waste identified or otherwise described in 310 CMR 30.100.

- (12) Except as provided in 310 CMR 30.353(7), (8), (10), and (11),
- (a) the collection, transport, storage, treatment, and disposal of hazardous waste generated by a Very Small Quantity Generator shall be in compliance with 310 CMR 30.304, 30.305, 30.400 through 30.900, and all other applicable provisions of 310 CMR 30.000; and
 - (b) the recycling of regulated recyclable materials generated by a Very Small Quantity Generator shall be in compliance with 310 CMR 30.200, and all other applicable provisions of 310 CMR 30.000.

310 CMR 30.354: University Laboratories XL Project – Laboratory Environmental Management Standard

- (1) Applicability. The provisions of 310 CMR 30.354 apply to the Universities described in 310 CMR 30.301(5) which:
- (a) have laboratories that are covered by a Laboratory Environmental Management Plan and where laboratory scale activities result in laboratory waste (See, 40 CFR 262.105 (2000) as adopted and amended at 310 CMR 30.354(2) for definitions of Environmental Management Plan, Laboratory, Laboratory Scale, and Laboratory Waste.); and
 - (b) operates in compliance with 310 CMR 30.354.
- (2) Purpose. The purpose of 310 CMR 30.354 is to provide a framework for a new management system for wastes that are generated in University laboratories as stated in greater detail at 40 CFR 262.101 (2000) which is hereby adopted and incorporated by reference together with the requirements of 40 CFR 262.102 through 262.107 (2000) subject to the following additions, modifications and exceptions:
- (a) All references to the University of Vermont as well as its departments, laboratories and accumulation areas are hereby eliminated;
 - (b) In 262.104, the phrase “facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271)” is hereby replaced with “facility described in 310 CMR 30.305”;
 - (c) At 40 CFR 262.104(f), “federal” is hereby replaced with “federal or state”;
 - (d) Federal citations appearing within Subpart J of 40 CFR 262 are hereby replaced with the corresponding state code provisions:
 - 1. References to “this part” or “this Subpart J” are replaced with “310 CMR 30.354”;
 - 2. References to “40 CFR 261” are replaced with “310 CMR 30.100”;
 - 3. References to “[40 CFR] Sec. 262.10(j)” are replaced with “310 CMR 30.301(5)”;
 - 4. At 262.104(i), references to “40 CFR 263.10(a)” is replaced with “310 CMR 30.401(3)”;

5. At 262.104(i), the reference to “40 CFR 263.30 and 263.31” is replaced with “310 CMR 30.413”; and
6. References to “[40 CFR] Sec. 262.11(a) through (d)” are replaced with “310 CMR 30.302”; and
7. At 40 CFR 262.107, references to “EPA” are substituted with “the Department”.

(3) Duration. The provisions of 310 CMR 30.354 expire on September 30, 2006.

30.360: Special Conditions

30.361: International Shipments

(1) Any person who exports hazardous waste to a destination outside of the United States shall:

(a) Comply with the requirements of 40 CFR 262, Subpart E, as in effect on July 1, 1999, which are hereby adopted and incorporated by reference subject to the following additions, modifications and exceptions:

1. All references to federal hazardous waste regulations are replaced with the corresponding state code analog as shown in Table 30.361:

Table 30.361

<u>Federal Citation</u>	<u>State Analog</u>
[40 CFR] Part 263	310 CMR 30.400
40 CFR 262.58	N/A
40 CFR 260.10	310 CMR 30.010
40 CFR Part 261, Subparts C & D	310 CMR 30.100
[40 CFR] 260.2	310 CMR 3.00
40 CFR 262.20 – 262.23, or 40 CFR Part 262, Subpart B	310 CMR 30.310
[40 CFR] 262.21	310 CMR 30.312(7)
40 CFR 264.72(a)	310 CMR 30.533(1)
40 CFR 262.20(d)	310 CMR 311(5)
40 CFR 263.20(g)(4)	310 CMR 30.405(8)(d)
40 CFR 262.42	310 CMR 30.333
40 CFR 262.41	310 CMR 30.332

2. 40 CFR 262.53(a)(2)(iii) is amended by adding the following phrase to the end: “or manifest form prescribed by the Department”.

3. 40 CFR 262.54(e)(second sentence) is revised to read as follows: “If the primary exporter is located within Massachusetts, the primary exporter shall use the eight part form prescribed by the Department.”

(2) When importing hazardous waste from a foreign country into Massachusetts, the generator shall comply with the federally enforceable import requirements of 40 CFR 262, Subpart F, as in effect on July 1, 1999, which are hereby adopted and

incorporated by reference subject to the following additions, modifications and exceptions:

- (a) 40 CFR 262.60(a) is hereby modified by substituting the reference to "the requirements of this part" with "310 CMR 30.300"; and
- (b) 40 CFR 262.60(b) is hereby modified by substituting the reference to "262.20(a)" with "310 CMR 30.311 through 30.314."

30.390: Special Provisions for Accumulation of Household Hazardous Waste and/or Hazardous Waste Generated by Very Small Quantity Generators

310 CMR 30.390 through 310 CMR 30.399, cited collectively as 310 CMR 30.390, set forth standards and requirements to be met by sponsors that wish to accept for accumulation household hazardous waste and/or hazardous waste generated by Very Small Quantity Generators.

30.391: Definitions

As used in 310 CMR 30.390, the following terms shall have the following meanings:

Center means a permanent site established or maintained by a sponsor at which a sponsor offers to accept household hazardous waste and/or hazardous waste generated by Very Small Quantity Generators.

Event means an event at which a sponsor offers to accept household hazardous waste and/or hazardous waste generated by Very Small Quantity Generators for a period not to exceed 48 hours. Hazardous waste may be accumulated for the duration of the event, and for a period not to exceed 24 hours after the closing of the event for the purposes of classifying, consolidating and packing collected hazardous waste in preparation for shipment.

Public Entity means the Commonwealth of Massachusetts or any authority, district, municipality or political subdivision of the Commonwealth of Massachusetts.

Sponsor is a person that is responsible for ensuring that an event or center is and remains in compliance with 310 CMR 30.000, and that notifies the Department of an event or applies for Department approval for a center.

Surplus Paint means leftover paint products or leftover paint related materials, which may include but not be limited to latex-based paints, oil-based paints, stains, lacquers, varnishes, and spent or leftover turpentine, thinners and mineral spirits.

30.392: Events for the Accumulation of Household Hazardous Waste and/or Hazardous Waste Generated by Very Small Quantity Generators

- (1) Applicability and Compliance. A sponsor may conduct an event provided that the event is in compliance with the requirements set forth in 310 CMR 30.392.

(2) Duration of an Event. The event's duration shall not exceed 48 hours. Hazardous waste may be accumulated for the duration of the event, and for a period not to exceed 24 hours after the closing of the event for the purposes of classifying, consolidating and packing collected hazardous waste in preparation for shipment.

(3) Site Requirements. The site of the event shall meet all the following requirements:

- (a) The site shall have a work area that is:
 - 1. located at least 50 feet from all containers and tanks containing ignitable materials not accepted at the event;
 - 2. sufficiently impervious to leaks and spills so that any spilled material can be readily collected and removed; and
 - 3. ventilated to ensure the adequate control of hazardous vapors, if the work area is indoors.
- (b) The site shall have sufficient space available to allow for:
 - 1. the accumulation and packaging of hazardous waste;
 - 2. the entrance and egress of persons bringing hazardous waste to the event and of persons working for the event; and
 - 3. the entrance and preparation requirements of emergency response vehicles.
- (c) At all times while the event is in progress, and until all hazardous wastes accepted at the event have been removed from the site of the event, the following requirements shall apply:
 - 1. Access to the event shall be restricted to those persons participating in the event.
 - 2. All drains at the site of the event shall be covered or otherwise protected from releases and threats of release of hazardous waste;
 - 3. Smoking shall be prohibited at the site of the event and "No Smoking" signs shall be posted at the site at locations where such signs shall be easily readable;
 - 4. Signs that clearly indicate the intended flow of traffic at the site shall be prominently posted at the site of the event;
 - 5. Emergency, cleanup and protective equipment, including, but not limited to, a respirator, first aid kit, eyewash fluid, broom, dustpan, shovel, and absorbent, and the emergency response plan required pursuant to 310 CMR 30.392(5) shall be located at the site in a place readily accessible in an emergency; and
 - 6. All areas where hazardous wastes are accumulated shall be operated with appropriate security measures at all times as described in 310 CMR 30.341(3);
- (d) The use of an underground tank for the accumulation of any hazardous waste accepted at the event is prohibited.

(4) Use of Licensed Transporter. The sponsor shall retain the services of a transporter licensed by the Department for the transport of the hazardous waste(s) accepted at the event.

(5) Emergency Response Plan. The sponsor shall adopt and, if necessary, implement an emergency response plan which shall include at least the following:

- (a) the arrangements specified in 310 CMR 30.351(9)(j) and (k);
- (b) a map of the layout of the site which shall be distributed at least two business days before commencement of the event to the transporter retained for the event

pursuant to 310 CMR 30.392(4) and to the organizations referred to in 310 CMR 30.351(9)(j);

(c) provisions for the entrance and exit of emergency vehicles at all times during the event, and for halting and/or redirecting traffic and for clearing the site in an emergency;

(d) provisions for cleanup and protective equipment required pursuant to 310 CMR 30.392(3)(c)5.;

(e) provisions for traffic control at the site of the event;

(f) provisions for compliance with 310 CMR 30.351(9)(c)2. and 30.351(9)(i).

(6) Event Operational Requirements.

(a) Except as otherwise provided in 310 CMR 30.392(6)(b), the sponsor or his designee shall:

1. comply with the requirements set forth in 310 CMR 30.061, 30.301 through 30.305, 30.310 through 30.314, 30.320 through 30.324, 30.331, 30.333, 30.334, 30.353(9), 30.360, 30.683 and 30.684;
2. notify in writing the appropriate DEP regional office of the date and location of the event at least one month in advance of the event, and for events with a sponsor that is a private entity, also notify the Board of Health and the Fire Department of the municipality in which the event is to take place;
3. refuse to accept any waste if there is reason to believe that the hazardous waste is not household hazardous waste or hazardous waste generated by a Very Small Quantity Generator, or waste that is unidentifiable, explosive or reactive, cannot be lawfully disposed of, or is specified as unacceptable in the contract between the sponsor and the transporter;
4. be available at all times during the event to respond to an emergency;
5. be familiar with the layout of the site and all emergency response plans; and
6. verify that the transporter has completed the packaging and labeling of the accumulated hazardous waste prior to the departure of the transporter from the site.

(b) For events where the sponsor is a public entity (i.e., a municipality), the sponsor shall retain the services of a hazardous waste transporter licensed by the Department who shall:

1. comply with 310 CMR 30.392(6)(a)(1), and (3) through (5);
2. provide a trained field chemist who shall remain at the site of the event for the duration of the event;
3. properly, lawfully, and promptly handle and remove the hazardous waste accepted at the event;
4. provide the sponsor with information on the total quantities of each type of hazardous waste manifested, and a summary of the ultimate waste disposal method or facility used for each type of hazardous waste collected;

(c) For the purpose of complying with 310 CMR 30.310 through 30.314, and the manifest requirements cited in 310 CMR 30.392(6)(a):

1. if the sponsor is a public entity, the transporter shall sign the manifest as the generator of the hazardous waste accepted at the event;
2. if the sponsor is a private entity, either the sponsor or the transporter shall sign the manifest as the generator of the hazardous waste accepted at the event.

(7) Determining Hazardous Waste Status for Generators that are Sponsors. A generator of hazardous waste who is also a sponsor of an event is not required to count hazardous waste received during those collection activities toward its hazardous waste generator status, provided the collected hazardous waste is managed independently (i.e., packaged, accumulated, stored and disposed separately) from the generator's own hazardous waste. However, if the generator chooses to combine its own hazardous waste with hazardous waste collected at the event(s), then the hazardous waste collected at the event(s) shall be counted toward the generator's status.

(8) For events that accept any of the wastes listed at 310 CMR 30.143(2), sponsors may manage such wastes as universal wastes under 310 CMR 30.1000 or as household hazardous wastes under 310 CMR 30.390. If wastes are managed as universal wastes, the accumulation limits of 310 CMR 30.392(2) will continue to apply in lieu of the time limits of 310 CMR 30.1000.

30.393: Centers for the Accumulation of Hazardous Waste Generated by Households and/or Very Small Quantity Generators

(1) Applicability and Compliance. A sponsor may establish or maintain a center provided that the center is in compliance with the requirements set forth in 310 CMR 30.393, as specified below. All centers shall be subject to 310 CMR 30.393(1) through 30.393(4). A center that accepts waste oil shall also be subject to 310 CMR 30.393(5).

(2) Application for Department Approval. Any sponsor who wishes to establish or operate a center shall, before establishing or operating the center, apply for and obtain the Department's approval.

The approval of applications for centers that accept only waste oil and/or surplus paint, submitted pursuant to 310 CMR 30.393(3), shall be deemed granted as a "presumptive approval" unless, within 21 days of the Department's receipt of an application, the Department notifies the applicant of a deficiency or denies the application in writing. If deemed granted, the applicant may act in good faith on this approval even though the applicant does not have a written statement by the Department to that effect. For centers that accept hazardous wastes other than waste oil and surplus paint, the applicant shall apply for and receive written approval from the Department. The sponsor shall sign all applications for the Department's approval to establish or maintain a center in compliance with the requirements of 310 CMR 30.009 and 30.807(1). The Department may give an approval pursuant to 310 CMR 30.393 and allow that approval to remain in effect only to the extent the Department is persuaded that such action would not lead to a significant potential hazard to public health, safety, or welfare, or to the environment, or be in noncompliance with 310 CMR 30.393. In addition to any requirements set forth in 310 CMR 30.393, the Department may impose any other conditions in its approval to ensure that the activity in question does not constitute a significant potential hazard to public health, safety, or welfare or the environment.

(3) Application Procedure for Centers. Any sponsor who wishes to establish or maintain a center shall apply for the Department's approval of that activity using a form prescribed by the Department. Application forms required by the Department

may vary, depending on the nature of the hazardous waste proposed to be collected. The application shall specify all additional persons retained by the sponsor to operate or maintain the center. A copy of each application shall be submitted to the Board of Health and the Fire Department of the municipality in which the proposed center is to be located.

(4) Management Standards for Centers. A sponsor or his designee shall comply with the following:

- (a) 310 CMR 30.001-30.199;
- (b) 310 CMR 30.310-30.331, 30.333-30.334, 310 CMR 30.341(3) through (5), 30.342(1)(e) and 30.343(1)(d)2;
- (c) 310 CMR 30.351(8)(a), (b)(1)-(4) and 30.351(9)-(11);
- (d) 310 CMR 30.360;
- (e) 310 CMR 30.560(1)-(3) and 30.689;
- (f) The site requirements set forth in 310 CMR 30.392(3), except for 30.392(3)(c)1.;
- (g) A center may accumulate hazardous waste for up to 180 days without having to obtain a license from the Department for such accumulation provided the requirements of 310 CMR 30.393(4) are complied with; the 180-day accumulation period does not begin until the amount accumulated at any one time equals 100 hundred or more kilograms of non-acutely hazardous waste, or any amount of acutely hazardous waste; a center that intends to or does accumulate hazardous waste for more than 180 days is an operator of a storage facility and shall comply with the requirements in 310 CMR 30.500-30.900 applicable to the storage of hazardous waste;
- (h) Signs shall be clearly and prominently displayed describing the kinds of hazardous waste accepted at the center;
- (i) An attendant, trained in sorting procedures for determination of hazard, classification for reuse and recycling and potential health and safety issues related to handling hazardous waste, shall be present at all times while the center is open to accept hazardous waste.
- (j) A center that receives hazardous waste generated by Very Small Quantity Generators shall be subject to 310 CMR 30.353(9) and all other regulations applicable to persons who receive hazardous waste generated by Very Small Quantity Generators;
- (k) All centers shall report to the Department by January 15 each year on the previous year's activity. The report shall be submitted on a form prescribed by the Department, and shall describe the quantities and types of hazardous waste and other materials collected during the previous calendar year;
- (l) The sponsor shall retain the services of a transporter licensed by the Department for the transport of the types of hazardous waste accepted at the center;
- (m) A generator of hazardous waste who is also a center is not required to count hazardous waste received during those collection activities toward its hazardous waste generator status, provided that collected hazardous waste is managed independently (i.e., packaged, accumulated, stored and disposed separately) from the generator's own hazardous waste. However, if the generator chooses to combine its own hazardous waste with hazardous waste collected at the center, then the hazardous waste collected at the center shall be counted toward the generator's status;

- (n) The center shall refuse to accept any waste if there is reason to believe that the waste is not household hazardous waste or hazardous waste generated by a Very Small Quantity Generator, or waste that is unidentifiable, explosive or reactive, cannot be lawfully disposed of, or is specified as unacceptable in the contract between the sponsor and the transporter; and
- (o) A center that accepts waste oil shall accumulate and manage such waste oil in compliance with the requirements in 310 CMR 30.253.

(5) Standards for Waste Oil Recycled in Used Oil Fuel Fired Space Heaters Located in Centers. In addition to the management standards specified in 310 CMR 30.393(4), a center where waste oil is burned for energy recovery shall comply with the following:

- (a) the space heater shall be operated in accordance with 310 CMR 30.222, as applicable;
- (b) each batch of waste oil shall be tested using appropriate analytical methods contained in EPA's Test Methods for Evaluating Solid Waste, SW-846, (e.g. the field screening method 9077) to determine whether the waste oil contains 1,000 or more ppm of total halogens; in cases where the total halogen concentration exceeds 1,000 ppm, the waste oil is presumed to be adulterated with halogenated hazardous waste, and therefore must be managed as a hazardous waste unless proved otherwise pursuant to 310 CMR 30.393(6)(c);
- (c) in cases where the concentration of total halogens is greater than 1,000 ppm, the sponsor may use the rebuttable presumption provision cited at 310 CMR 30.215(1)(b) to document that the waste oil does not contain halogenated constituents listed in 310 CMR 30.160 in significant concentration, and therefore can be managed as a used oil fuel;
- (d) If the site of the waste oil collection center and the site of the waste oil fired space heater is different, the sponsor of the waste oil collection center shall be allowed to transport such waste oil to a used oil fired space heater operated by the same sponsor provided that such transport is done in compliance with 310 CMR 30.353(7)(c),(f),(g),(i) and (l).

(6) For centers that accept any of the wastes listed at 310 CMR 30.143(2), sponsors may manage such wastes as universal wastes under 310 CMR 30.1000 or as household hazardous wastes under 310 CMR 30.390. If these wastes are managed as universal wastes, a separate area shall be provided and marked as a universal waste accumulation area.

30.394: Management Standards for the Collection and Transport of Hazardous Waste to and from Events and/or Centers

For the purposes of 310 CMR 30.390 only:

- (1) A licensed transporter participating in an activity authorized pursuant to 310 CMR 30.390, may collect hazardous waste from individual events for the purpose of delivering such waste to a center, may consolidate such waste at centers, and may use a shipping paper in lieu of a manifest for transportation of such waste between individual events or between an event and a center; but only if the following conditions are complied with:

- (a) containers of hazardous waste shall be closed in compliance with 310 CMR 30.685(1), and labelled in compliance with 310 CMR 30.682;
- (b) partially full containers collected from an event may be unloaded from a vehicle at a center, and consolidation of wastes from such partially full containers may occur only at a center;
- (c) for full containers, a manifest that identifies the transporter as the generator must be initiated by the transporter upon collection at an event or center; for partially full containers a shipping paper may be used by the transporter to document shipment between any two events or between an event and a center;
- (d) the transporter must complete collection of hazardous waste from events, for delivery to a center, within 48 hours of collection from the first event; and
- (e) the transporter must comply with 310 CMR 30.408 with regard to all hazardous waste collected and transported on a manifest.

(2) Any person may collect and transport household hazardous waste from households to an event, center or hazardous waste facility without the use of a vehicle licensed by the Department and without the use of a manifest or shipping paper provided that:

- (a) the driver is sufficiently trained in the procedures and practices described in 310 CMR 30.409(1)(c), (d), (e) and 310 CMR 30.415(4) for the safe management of hazardous waste;
- (b) the household hazardous waste is transported in compliance with 310 CMR 30.353(7)(c);
- (c) each waste shall be shipped in an appropriate container that prevents spilling and/or mixing with incompatible wastes, and the container shall otherwise be in good condition for handling and transportation; and
- (d) the total amount of hazardous waste transported at any one time does not exceed 200 kilograms.

Miscellaneous changes in 30.400-30.1000

Section 30.404(1) and (1)(b) is revised to read as follows:

30.404: Delivery of Shipment of Hazardous Waste

- (1) A transporter shall deliver the entire quantity of hazardous waste, which that transporter has accepted from a generator or from another transporter to either:
- (a) the designated facility listed on the manifest; or
 - (b) the ~~alternative~~-**alternate** designated facility, if the hazardous waste cannot be delivered to the designated facility due to an emergency; or
 - (c) the next transporter designated on the manifest, if any.
- (2).....

Section 30.405(8) is revised to add a new paragraph (d) and now reads as follows:

30.405: Manifest Requirements

- (1).....
- (8) Transporters who transport hazardous waste out of the United States shall:
- (a) Indicate on the manifest the date the hazardous waste left the United States; and
 - (b) Sign the manifest and retain one copy in compliance with 310 CMR 30.406; and
 - (c) Return to the generator a copy of the manifest with the handwritten signature of the owner or operator of the facility or transporter to whom the shipment was delivered; and
 - (d) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.**

30.411: Bonding Requirements

- (1) As used in 310 CMR 30.411, the term "bond" means:
- (a) a surety bond or performance bond; or
 - (b)
- (2)
- (8) The Department may declare forfeit all or any amount of the bond if the Department finds that the licensee has violated any of the requirements of M.G.L. c. 21C, 310 CMR 30.000, ~~and or~~ conditions of the license or a Department order issued to the licensee, and if the Department also finds that the licensee has failed to promptly remedy such a violation.

30.501: Applicability

- (1) Except as specifically.....
- (2) The requirements of 310 CMR 30.500 do not apply to:
- (a)
 - (g)

- (3) (a) Except as provided in 310 CMR
1. They comply with all the applicable standards set forth in 40 CFR Part 761, **as in effect July 1, 2002**, for the storage, treatment, or disposal, as the case may be, of PCBs.
 2. In the case of PCB incinerators or PCB waste landfills, they have been formally approved pursuant to 40 CFR Part 761 and such approval is in effect at the time.
 3.

Section 30.512(1) is amended to eliminate the notification requirement to the Department as follows:

- (1) The owner or operator of a facility that has arranged to receive hazardous waste, **other than State-only hazardous waste**, from a source outside the United States **should be aware of the need to** ~~shall~~ notify the ~~Department~~ Regional Administrator of EPA in writing at least four weeks in advance of the date the hazardous waste is expected to arrive at the facility **pursuant to 40 CFR 264.12. The owner or operator of a facility that has arranged to receive State-only hazardous waste from a source outside the United States shall notify the Department in writing at least four weeks in advance of the date the hazardous waste is expected to arrive at the facility.** Advance notice of subsequent shipments of the same type of waste from the same source is not required.

30.513(1)(a) is modified to read as follows:

- (a) An owner or operator shall, before treating, storing, using, or disposing of any hazardous waste, obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum this analysis shall contain all the information which needs to be known to treat, store, use, or dispose of the waste in compliance with the requirements of 310 CMR 30.500, the federal land disposal restrictions set forth in 40 CFR Part 268, and with the conditions of the facility's license in effect at that time pursuant to 310 CMR 30.800.

30.513(2)(a)5. is modified to read as follows:

5. Where applicable, the methods which shall be used to meet the additional waste analysis requirements for specific waste management methods as specified in 310 CMR 30.560, and the federal land disposal restrictions set forth in 40 CFR Part 268. (See 40 CFR 268.7.)

30.513(2)(a)6 is modified to read as follows:

6. Where applicable, the following procedures and schedule for sampling surface impoundments that are exempted from the federal land disposal restrictions as set forth in 40 CFR Part 268: (See 40 CFR 268.4.)

30.513(2)(a)6.c. is modified to read as follows:

- c. the annual removal of residues which are not delisted pursuant to 310 CMR 30.142 or do not exhibit a characteristic of a hazardous waste, and which do not meet the treatment standards of the federal land disposal restrictions set forth in 40 CFR Part 268, Subpart D.

30.542(2)(i) is modified to read as follows:

- (i) Records of the quantities and date of placement for each shipment of hazardous waste placed in land disposal units pursuant to:
1. an extension of the effective date of any land disposal restriction granted by EPA pursuant to 40 CFR 268.5; or
 2. the approval of a petition granted by EPA pursuant to 40 CFR 268.6; and
 3. the applicable notice required by a generator pursuant to 40 CFR 268.7(a).

Section 30.541(last sentence) is amended as follows:30.541: Applicability

310 CMR 30.540 through 30.545 apply to facilities which treat, store, use or dispose of hazardous waste at the site of generation of that waste and to facilities which receive for treatment, storage, use or disposal hazardous wastes from off-site sources. ~~Effective on and after February 1, 1990, 310 CMR 30.545 shall not apply to hazardous waste to which 310 CMR 30.536 applies, as set forth in 310 CMR 30.531.~~

30.542(k), (l), (m), (n), (o), & (p) are modified to read as follows:

- (k) For a facility that treats hazardous waste generated off the site of the facility, a copy of the notice, and the certification if applicable, required of the generator or owner or operator pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)
- (l) For a facility that treats hazardous waste generated only at the site of the facility, the information, except the manifest number, contained in the notice, and the certification if applicable, required of the generator or the owner or operator pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)
- (m) For a land disposal facility that disposes of hazardous waste generated off the site of the facility, a copy of the notice, and the certification if applicable, required of the generator or the owner or operator of a treatment facility pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)
- (n) For a land disposal facility that disposes of hazardous waste generated only at the site of the facility, the information, except for the manifest number, contained in the notice, and the certification if applicable, required of the generator or owner or operator of the treatment facility pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)
- (o) For a facility that stores hazardous waste generated off the site of the facility, a copy of the notice, and the certification if applicable, required of the generator or the owner or operator pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)
- (p) For a facility that treats hazardous waste generated only at the site of the facility, the information, except the manifest number, contained in the notice, and the certification if applicable, required of the generator or the owner or operator pursuant to the federal land disposal restrictions. (See 40 CFR 268.7.)

Section 30.587(3) is revised to read as follows:

30.587: Completion and Certification of Closure

(3) Closure shall not be considered complete until ~~so certified in writing by the~~ Department has notified the owner or operator in writing that he is no longer required to maintain financial assurance for the closure of the facility pursuant to 310 CMR 30.587(2).

The following sections are revised by removing the phrase “[Effective on and after July 1, 1988] from the heading:

30.581: Applicability

30.582: Closure Performance Standard

30.583: Contents and Approval of Closure Plan; Notification of Closure

30.584: Time Allowed for Closure

30.585: Disposal or Decontamination of Equipment

30.586: Recording Survey Plat

30.587: Completion and Certification of Closure: Paragraph (1)

30.591: Applicability

30.592: Post-Closure Care and Use of Property

30.593: Post-Closure Plan

30.596: Completion and Certification of Post-Closure Care

Section 30.605(2) is revised as follows:

* * *

(h) 310 CMR 30.543: *Availability, Retention and Disposition of Records*; and

~~(i) 310 CMR 30.544: *Biennial Report*; and~~

~~(j) (i) 310 CMR 30.560: *General Requirements for Ignitable, Reactive, or Incompatible Wastes*.~~

Section 30.685(1) is revised to read as follows:

(1) A container holding hazardous waste shall always be closed during storage, except when waste is being added or removed. In the event that Federal, State or local law or regulation requires a container to be vented, the container shall be vented **only through devices such as pressure relief valves that satisfy ASTM or fire prevention standards (as opposed to open venting) and only** in a manner that does not present a threat to public health, safety, or welfare or the environment.

(2)....

(4)....

Section 30.695(2) is revised to read as follows:

(2) The owner or operator shall use appropriate controls and practices to prevent overfilling (e.g., waste feed cut-off or by-pass system to standby tank).

Section 30.696(1)(c) is eliminated and paragraph (d) is renumbered to (c).

Section 30.700, Section heading is hereby revised to delete the reference to Land Disposal Restrictions.

Sections 30.750 through 30.782 are hereby deleted. In addition, the following sections outside of 30.001 – 30.399 contain LDR cites to 30.750 – 30.799 were modified to refer to the federal program without the intention of being enforced by the State:

30.804(28) is modified to read as follows:

(28) For land disposal facilities, if a case-by-case extension has been approved pursuant to ~~310 CMR 30.754~~ **by EPA pursuant to the federal land disposal restrictions (see 40 CFR 268.5)** or a petition has been approved pursuant to ~~310 CMR 30.755~~ **the federal land disposal restrictions (see 40 CFR 268.6)**, a copy of the notice of approval for the extension or petition if required.

Section 30.801 is revised as follows:

Paragraph (5) is hereby deleted and replaced with the following:

~~(5) a recycling process conducted in a Completely Enclosed Recycling System that is directly connected via pipes or the equivalent to an industrial production process.~~

* * *

In paragraph 30.801(13), the cite to 310 CMR 30.862 is hereby changed to 310 CMR 30.863.

Section 30.864(1)(a)-(c) is revised to read as follows:

30.864: Research Facility License

(1) Applicability.

(a).....(c)

(d) Nothing in 310 CMR 30.864 shall preclude a site or works licensed or otherwise authorized pursuant to 310 CMR 30.099, 30.104(3)(b), 30.104(3)(c), 30.200, 30.801, 30.862 or 30.863 from being licensed additionally as a research facility pursuant to 310 CMR 30.864, provided that such site or works shall obtain and have in effect a valid research facility license prior to commencing construction, operation or maintenance directly associated with research study activity.

(e) Nothing in 310 CMR 30.864 shall preclude a research facility licensed pursuant to 310 CMR 30.864 from being licensed or otherwise authorized pursuant to 310 CMR 30.099, 30.104(3)(b), 30.104(3)(c), 30.200, 30.801, 30.862 or 30.863, provided that such research facility shall obtain and have in effect such license or authorization prior to commencing construction, operation or maintenance directly associated with such license or authorization.

(f) A license issued pursuant to 310 CMR 30.864 authorizes the licensee to store, treat, dispose or recycle hazardous waste, or otherwise to accept, handle or process hazardous waste at the research facility, only for the purpose of conducting research study activity, and only in strict compliance with the terms and conditions of such license. If any person intends to store, treat, dispose or recycle hazardous waste for a purpose other than to conduct research study activity, such person shall be licensed or otherwise authorized pursuant to 310 CMR 30.099, 30.104(3)(b), 30.104(3)(c), 30.200, 30.801, 30.862, or 30.863.

Section 30.1000, Universal Waste Standards, is hereby modified at 30.1034(2)(c)1., 30.1037(3), 30.1053(1), 30.1055(2) to allow for the updated reference to 49 CFR provided by 30.011 to take effect, by eliminating the following phrase wherever it appears within the referenced provisions: “, as in effect on July 1, 1996”.

310 CMR 30.1034(5)(c)(1)(c) is hereby amended as follows:

(1) Mercury-containing lamps. A small quantity handler of universal waste shall manage universal waste mercury-containing lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:

- (a)
- (b)
- (c) Dismantling or crushing of mercury-containing lamps.
 - 1. small quantity handler.....:
 - a.....
 - b.....
 - c. A Class A recycling permit is obtained pursuant to 310 CMR ~~30.212(10)~~ **30.212(10)** for the **crushing of the lamps and 30.212(6) for the off-site** reclamation of the mercury/phosphor powder; and
 - a. If a small.....

Amendments to 310 CMR 7.00

ADDITIONS IN ITALIC AND UNDERLINE DELETIONS IN STRIKE-OUT

SPACE HEATER means a heating device that ~~has no external heating pipes or external heating ducts and that~~ is used for the direct heating of the area in and adjacent to the area in which the device is located.

- = USED OIL FUEL FIRED SPACE HEATER means a space heater that is capable of burning used oil fuel.

WASTE

- (a) Waste means any solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining, or agricultural operations or from municipal activities, or any refuse, or sludge, which:
 - 1. is sometimes discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or
 - 2. has served its original intended purpose or is no longer suitable for its ~~original~~original intended purpose; or
 - 3. is a manufacturing or mining by-product and sometimes is discarded; or
 - 4. has served its ~~original~~original intended purpose and will be "used" as defined in 310 CMR 30.000.
- (b) A material is discarded if it is:
 - 1. ~~abandoned~~abandoned or intended to be ~~abandoned~~abandoned;
 - 2. disposed of;
 - 3. incinerated; or
 - 4. physically, chemically, or biologically treated in lieu of or prior to being disposed of or abandoned.
- (c) A manufacturing or mining by-product is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the

particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process with in a short time.

(d) ~~Materials which have been approved by the Department for reuse or burning as a fuel at the site of generation pursuant to the provisions of 310 CMR 30.355 and 30.356~~ Materials, which have been approved by the Department for reuse or burning as a fuel at the site of generation pursuant to 310 CMR 30.200 are not wastes.

Modify 310 CMR 7.04(9) Used oil fuel.

(c) ~~On and after July 1, 1987, n~~No person shall sell or distribute, or offer for sale or distribution, any used oil fuel fired space heater unless:

- ~~1. the Department has in writing approved the plans, specifications, Standard Operating Procedure, and Maintenance Procedure for the used oil fuel fired space heater, and~~
- ~~2. the person selling or distributing, or offering for sale or distribution, the used oil fuel fired space heater has given a copy of the Department's written approval pursuant to 310 CMR 7.04(9)(c)1. to the person to whom the used oil fuel fired space heater is being sold or distributed, or offered for sale or distribution, and~~
- ~~3. the person who intends to use the used oil fuel fired space heater has notified the Department in writing of the site at which the used oil fuel fired space heater will be located, and has given a copy of said notification to the person selling or distributing, or offering for sale or distribution, the used oil fuel fired space heater, and~~
- ~~4. the energy input capacity of the space heater~~ is equal to or less than ~~shall not exceed~~ 500,000 ~~B.T.U.~~BTU per hour.

(d) No person shall cause, suffer, allow, or permit the burning of used oil fuel in any space heater ~~installed on or after July 1, 1987 unless:~~

1. the energy input capacity of the space heater is equal to or less than 500,000 BTU per hour,
2. the combustion gases are vented vertically to the ambient air so as to not cause or contribute to a condition of air pollution,
3. the used oil fired space heater is integrally connected to a tank that supplies the used oil fuel to the space heater,
4. the used oil fired space heater is operated and maintained in accordance with the manufacturers recommended operating and maintenance procedures, and the used oil fired space heater is not operated during the period from June 15th through September 15th,
5. unless the used oil fuel is burned at the site of generation, or off the site of generation as a supplemental fuel source, which may include used oil fuel generated and transported by a very small quantity generator pursuant to 310 CMR 30.353, or used oil fuel generated by a household as described in 310 CMR 30.104(6)
- ~~6. of hazardous waste that~~ the used oil fuel is hazardous waste only because it
 - ~~a. is waste oil pursuant to 310 CMR 30.131, or~~
 - ~~b. has the characteristic of ignitability pursuant to 310 CMR 30.122 and has a flash point of 100 °F or higher; and~~
- ~~2. unless the design, Standard Operating Procedure, and Maintenance Procedure of the space heater have been approved in writing by the Department; and~~
- ~~3. in a manner that does not conform to the space heater's Standard Operating Procedure and Maintenance Procedure, as approved by the Department pursuant to 310 CMR 7.04(9)(c)1.; and~~

4. ~~unless the energy input capacity of the space heater shall not exceed 500,000 B.T.U. per hour; and~~
5. ~~the person burning the used oil fuel in the used oil fuel fired space heater has a copy of the Department's written approval of the used oil fuel fired space heater pursuant to 310 CMR 7.04(9)(e)1.; and~~
6. ~~7.~~ *unless* the burning of the used oil fuel in the used oil fuel fired space *heater is done in compliance* with all other applicable regulations *and requirements* of the Department, *the local fire department and the Office of the Massachusetts State Fire Marshall.*
- (e) ~~No person shall cause, suffer, allow, or permit the burning of used oil fuel in any space heater installed before July 1, 1987 unless the used oil fuel is burned at a site of generation of hazardous waste that is hazardous waste only because it~~
1. ~~is waste oil pursuant to 310 CMR 30.131, or~~
2. ~~has the characteristic of ignitability pursuant to 310 CMR 30.122 and has a flash point of 100F or higher.~~